

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA**

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**LOCAL RULES
OF THE
UNITED STATES BANKRUPTCY COURT
FOR THE
MIDDLE DISTRICT OF FLORIDA**

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**WITH AMENDMENTS
EFFECTIVE JULY 1, 2013**

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Rule 1001-1

SCOPE OF RULES; SHORT TITLE

(a) These rules have been promulgated in accordance with Fed. R. Bankr. P. 9029. These rules shall apply to all cases under title 11 and in all civil proceedings arising under title 11, or arising in or related to cases under title 11 in the United States Bankruptcy Court for the Middle District of Florida ("Court").

(b) These rules are intended to supplement and complement the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. These rules shall be applied, construed and enforced to avoid technical delays, to permit the expeditious consideration and determination of all pending matters, and to allow the inexpensive administration of estates under the Bankruptcy Code.

(c) For good cause, the Court may suspend the requirements set forth in these rules and may order proceedings in accordance with its direction.

(d) The local rules governing civil and criminal proceedings in the United States District Court shall not apply to cases or proceedings in the Court unless otherwise ordered by the Court.

(e) These rules shall be cited as "Local Rules."

Notes of Advisory Committee

2004 Amendment

This rule is amended to reflect conformity in the citation of Fed. R. Bankr. P. and Local Rules.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the

uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997. Paragraphs (a) through (d) of this rule were formerly Local Rule 1.01(a) through (d). Paragraph (e) of this rule was formerly Local Rule 1.01(f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Notes of Advisory Committee¹

1995 Amendment

The amendments to subparagraphs (a) and (b) of Local Rule 1.01 are stylistic. No substantive change is intended.

A new subparagraph (e) is added to specify that the definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 also apply in the Local Rules.

Subparagraph (f) has been amended to expand the method of citation of the Local Rules to include the designation "(Bankr. M.D. Fla.)." References to the "Local Rules" as used herein shall mean the Local Rules (Bankr. M.D. Fla.).

These amendments were effective on February 15, 1995. The Court's Order Amending Local Rules of the United States Bankruptcy Court for the Middle District of Florida, No. 95-001-MIS-TPA, entered on February 2, 1995, adopting these amendments provides that "[t]hese amendments govern all cases and proceedings commenced on or after February 15, 1995, and, insofar as practicable, all cases and proceedings then pending."

¹Pursuant to the Order Reconstituting Local Rules Lawyers' Advisory Committee, No. 94-004-MIS-TPA, dated February 23, 1994, the Court reconstituted the membership of the Local Rules Lawyers' Advisory Committee (which shall be referred to herein as the "Advisory Committee") and requested the Advisory Committee to make such recommendations as appropriate generally concerning the Local Rules and specifically concerning the impact of the December 1, 1993, amendments to the Federal Rules of Civil Procedure. The Advisory Committee has drafted these notes with their proposed amendments to assist the Court, the bar, and the public in understanding the proposed amendments and in interpreting and following the rules if adopted by the Court.

Rule 1001-2

CASE MANAGEMENT AND ELECTRONIC CASE FILING SYSTEM – CM/ECF

(a) ***Case Management/Electronic Case Filing System.*** The Court has established an online case management and electronic case filing system (“CM/ECF”), on which the Court maintains paperless court files and dockets and which allows a party with a log-in and password issued by the Clerk (“Electronic Filing User”) to electronically file papers in court files.

(b) ***Electronic Filing Users.*** Attorneys filing papers with the Court must be Electronic Filing Users. Those persons entitled to become Electronic Filing Users include attorneys admitted to practice in the United States District Court for the Middle District of Florida, United States Trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become an Electronic Filing User, attorneys and other parties must complete CM/ECF training and register with the Clerk. The Clerk shall establish registration, training, and certification procedures, which shall include administering a CM/ECF training program. The Clerk shall keep a registry of authorized Electronic Filing Users. Electronic Filing Users shall adhere to all requirements as promulgated by the Clerk and posted on the Court’s Internet website, www.flmb.uscourts.gov. The Clerk shall be responsible for maintaining and promulgating the requirements and guidelines as necessary.

(c) ***Retention of Original Papers.*** Electronic Filing Users shall retain signed originals of the following papers for four years after the closing of the case: all petitions, lists, schedules, statements, including the Statement of Social Security Number(s) (Official Form 21), affidavits and other documents that require verification under Fed. R. Bankr. P. 1008, and unsworn declarations as provided for in 28 U.S.C. § 1746.

(d) ***Waiver of Service by Mail.*** Registration as an Electronic Filing User constitutes (1) waiver of the right to receive notice by first-class mail and the right to service by first-class mail or personal service and (2) consent to receive notice electronically and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

(e) ***Electronic Filing of Proofs of Claim and Related Documents.*** Claimants who are not Electronic Filing Users may file proofs of claim in paper or through the eProof of Claim hyperlink on the Court’s website, www.flmb.uscourts.gov. All claimants who have filed or expect to file 25 or more claims and/or claim-related papers, such as transfers of claims and withdrawals of claims, within any one-year period, shall file these claims and documents electronically through CM/ECF or the eProof of Claim hyperlink.

(f) ***Electronic Ballot Filing in Chapter 11 Cases.*** Parties may file paper ballots with the Court in accordance with Local Rule 3018-1, but are encouraged to electronically file ballots through the Chapter 11 eBallots hyperlink on the Court’s website, www.flmb.uscourts.gov.

(g) ***Unavailability of CM/ECF or Hyperlinks.*** Electronic Filing Users are permitted to file paper documents whenever CM/ECF is inaccessible or an Electronic Filing User's computer system is not functioning. Filers of proofs of claim who are unable to access the Court's eProof of Claim hyperlink and filers of ballots who are unable to access the Court's eBallot hyperlink may file paper proofs of claim and ballots. After-hours emergency filing procedures are set forth in Local Rule 5001-2.

(h) ***Access to CM/ECF by Non-Electronic Filing Users.***

(1) ***PACER Access.*** Any person or organization, including parties appearing before the Court *pro se*, may access CM/ECF at the Court's Internet web site by obtaining a log-in and password from PACER (Public Access to Court Electronic Records), available at www.pacer.gov. Those who have PACER access but who are not Electronic Filing Users may retrieve docket sheets and court papers but may not file documents electronically.

(2) ***Request by Pro Se Debtors to Receive Electronic Notification.*** Individual *pro se* debtors who have an internet email address may request to receive electronic notification of filings made in their bankruptcy cases by submitting the form available on the Court's website at www.flmb.uscourts.gov/cmecf.

Notes of Advisory Committee

2013 Amendment

This amendment reflects current CM/ECF practices and electronic filing procedures, including the requirement that attorneys filing papers with the Court be Electronic Filing Users. This amendment supersedes and replaces archived Administrative Orders FLMB 2003-4, FTM 2005-2, JAX-2004-2, ORL-2004-2, and TPA 2005-05 (establishing deadlines for attorneys to participate in CM/ECF) and archived Administrative Orders FTM-2008-1, JAX-2006-5, ORL-2008-1, and TPA-2008-10 (establishing deadlines for claimants to electronically file proofs of claim and related papers).

This amendment is effective July 1, 2013.

2004 Amendment

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment sets out overall electronic filing guidance and requirements, yet allows the Clerk flexibility in managing the details of this system. It is contemplated that the Clerk will actively coordinate such activities with members of the Bankruptcy Bar in the District.

This amendment also establishes a presumption that once attorneys or others become an “Electronic Filing User,” they will file all documents in cases assigned to CM/ECF by electronic means only. Consistent with Fed. R. Bankr. P. 5005, this rule strongly encourages attorney participation while not making electronic filing mandatory. (Fed. R. Bankr. P. 5005 in part states that a court “may permit” papers to be filed electronically, and provides that the Clerk “shall not refuse to accept for filing any paper presented . . . solely because it is not presented in proper form.”)

Rule 1001-3

PRIVACY POLICY REGARDING PUBLIC ACCESS TO ELECTRONIC CASE FILES

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from documents and pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms. This rule does not apply to the petition, schedules, statement of financial affairs, or other documents which are part of the Official Bankruptcy Forms, as these documents have been amended to comply with the Judicial Conference Privacy Policy. This rule does apply to:

(1) Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.

(2) Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.

(4) Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the Court as part of the record. The party shall also file a redacted copy for the electronic case file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review the document for compliance with this rule.

Notes of Advisory Committee

2004 Amendment

This amendment serves as guidance for implementing the Judicial Conference Privacy Policy and the E-Government Act of 2002.

PART I.

**COMMENCEMENT OF CASE;
PROCEEDINGS RELATING TO PETITION
AND ORDER FOR RELIEF**

Rule 1002-1

FILING OF THE PETITION

A petition commencing a case under the Bankruptcy Code filed either by an attorney or non-attorney must be filed with the Clerk in compliance with Local Rule 5005-2.

Notes of Advisory Committee

2004 Amendment

This is an enabling amendment, which permits the filing of bankruptcy cases by electronic means consistent with Fed. R. Bankr. P. 5005(a).

Rule 1007-1

LISTS, SCHEDULES, STATEMENTS, AND OTHER REQUIRED DOCUMENTS

(a) ***Requirements at Commencement of Case.*** The following shall be submitted at the commencement of a case for relief:

(1) ***Chapter 7, 9, 13, or 12.*** The petition, in accordance with Local Rule 5005-2, and a list of creditors or a master mailing matrix, in accordance with Local Rule 1007-2.

(2) ***Chapter 11.*** The petition in accordance with Local Rule 5005-2, a list of creditors or a master mailing matrix, a list of equity security holders, and a list of creditors holding the twenty largest unsecured claims, in accordance with Local Rule 1007-2.

(3) ***All Chapters.*** Individual debtors are required to file a Statement of Social Security Number (Official Form 21) signed under penalty of perjury by the individual debtor. In cases filed by Electronic Filing Users, the Electronic Filing User shall maintain the original Statement of Social Security Number for a period of four years after closing the case. Failure to submit the Statement of Social Security Number may lead to dismissal of the case.

(b) ***Payment Advices Not Filed with the Court unless Ordered.*** Copies of payment advices or other evidence of payment (“Payment Advices”) shall not be filed with the Court unless otherwise ordered. Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E), unless the Court orders otherwise, the debtor is required to file with the Court copies of all Payment Advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor. The purpose of this requirement is accomplished by requiring that Payment Advices be provided to the United States Trustee, the trustee, or any creditor requesting copies. Additionally, privacy concerns are accommodated by not requiring the filing of the Payment Advices.

(c) ***Requirement to Provide Payment Advices to the Trustee.*** The debtor shall provide Payment Advices to the trustee and, if requested, to the United States Trustee, and to any creditor who timely requests copies of the Payment Advices, at least seven days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditor’s request must be received at least 14 days before the first date set for the meeting of creditors.

Notes of Advisory Committee

2013 Amendment

This amendment specifies that a list of creditors or a master mailing matrix must be filed with bankruptcy petitions. Local Rule 1007-2 provides that debtors who are not represented by an attorney must submit a master mailing matrix with their petition.

This amendment is effective July 1, 2013.

2012 Amendment

This amendment incorporates archived Administrative Orders FLMB-2010-1 and JAX-2006-1 “Orders on Filing Payment Advices Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv).” The amendment exercises the Court’s discretion provided by Section 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E) to waive the requirement of filing Payment Advices with the Court. In doing so, the Court recognizes that the underlying purpose of these provisions is accomplished by requiring that Payment Advices be provided to the United States Trustee, the trustee, or any creditor requesting copies. Additionally, privacy concerns are addressed by avoiding filing Payment Advices in the public record. The addition of headings and subheadings is a stylistic rather than substantive change.

This amendment is effective March 15, 2012.

2004 Amendment

This amendment deletes the requirement to submit additional paper copies of petitions, schedules, or creditor lists. Those copies, which were distributed to case trustees, Internal Revenue Service, Securities and Exchange, or to the United States Trustee, will now be accessible on the Court’s Electronic Filing System. It also deletes the requirement for an individual debtor not represented by an attorney to file a statement of assistance received in connection with the filing of the case. Fed. R. Bankr. P. 2016(c) requires every bankruptcy petition preparer to file a declaration under penalty of perjury disclosing any fee received from or on behalf of the debtor in compliance with Section 110(h)(1). Further, in compliance with the Judicial Conference’s policy on privacy, the rule requires the debtor’s Social Security number be “submitted” to the court, rather than “filed.” An Electronic Filing User is responsible for submitting the Statement of Social Security Number containing an image of the debtor’s original signature as a separate non-viewable entry in CM/ECF and for submitting the debtor’s full Social Security number during the case filing or case upload process.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference’s Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to

the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 2.04(g). Paragraph (b) of this rule was formerly Local Rule 2.04(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

New subparagraph (c) to Local Rule 2.04 adds a requirement that individuals in bankruptcy cases who are not represented by an attorney are required to file with the petition an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk's Office.

These amendments were effective on February 15, 1995.

Rule 1007-2

MAILING -- LIST OR MATRIX

(a) ***Master Mailing Matrix.***

(1) ***Debtors Not Represented by Counsel.*** Debtors who are not represented by an attorney must submit a master mailing matrix with their petition. The master mailing matrix shall be provided in a computer-readable format as designated by the Clerk and published on the Court's website, www.flmb.uscourts.gov. In the event a *pro se* debtor is unable to provide the matrix in computer-readable format, the debtor shall follow such directions as the Clerk may reasonably give to facilitate conversion of the matrix into computer-readable format.

(2) ***Contents of the Matrix.*** The matrix shall not include the names and addresses of the debtor, any joint debtor, the attorney for the debtor or debtors, or the United States Trustee. The matrix shall include the names and complete mailing addresses of all creditors and any general partners of the debtor.

(b) ***Chapter 11 Local Rule 1007-2 Parties in Interest List.*** In Chapter 11 cases, the Clerk shall maintain the list of creditors holding the 20 largest unsecured claims filed by the debtor pursuant to Fed. R. Bankr. P. 1007(d) and shall designate this list as the "Local Rule 1007-2 Parties in Interest List" in CM/ECF. Upon appointment of a committee of unsecured creditors, the Clerk shall add the names and addresses of the committee members, counsel for the committee, if any, and authorized agents of the committee, if any, to the Local Rule 1007-2 Parties in Interest List and shall remove the names and addresses of the creditors holding the 20 largest unsecured claims. The Clerk shall also add to this list the names and addresses of parties who have filed requests for notice pursuant to Rule 2002-1(d) of these rules.

(c) ***Equity Security Holders Mailing Matrix.*** In Chapter 11 cases in which there are equity security holders (except publicly traded equity securities), the Clerk shall maintain the list of equity security holders filed by the debtor pursuant to Fed. R. Bankr. P. 1007(a)(3) in CM/ECF and shall designate this list as the "Equity Security Holders Matrix."

Notes of Advisory Committee

2013 Amendment

This amendment clarifies that only debtors not represented by an attorney are required to file a master mailing matrix with their petitions. Attorneys are required to file petitions electronically via CM/ECF. The computer software and CM/ECF system generate the required matrixes.

This amendment is effective July 1, 2013.

2004 Amendment

This amendment removes the requirement for Electronic Filing Users to file matrices in paper or on computer diskettes because Electronic Filing Users are able to file matrices directly into CM/ECF.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraphs (a) and (b) of this rule were formerly paragraphs (e) and (f) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.04(e) (1) has been amended to require that in any case in which the number of creditors exceeds fifty (50), the master mailing matrix shall be provided in a computer-readable format designated and published from time to time by the Clerk. In all other cases, the master mailing matrix may be provided in either the computer-readable format or on an Avery Label 5351, 33 block, or similar product as may be from time to time designated and published by the Clerk.

Local Rule 2.04 (e)(3) has been amended to provide, consistent with current practice, that upon appointment of a committee, the Clerk shall add to the mailing matrix the names and addresses of the committee members, counsel for the committee, and any authorized agents of the committee, and shall delete therefrom the names and addresses of the creditors holding the twenty (20) largest unsecured claims.

These amendments were effective on February 15, 1995.

Rule 1009-1

AMENDMENTS TO LISTS & SCHEDULES

- (a) ***Applicability of Rule.*** This rule applies to amendments to schedules, petitions, lists, matrices, statements of Social Security number, and statements of financial affairs.
- (b) ***Content of Amendments.*** Amendments shall contain a caption including the case number and the title and shall be marked “Amended.” Amendments to Schedule A or Schedule B shall set forth all of the debtor’s real and personal property and shall state both the assets added and the assets deleted in the amendment. Amendments to Schedule C shall set forth all exemptions claimed by the debtor. Amendments to Schedules D, E, F, G and H shall set forth additional, new information, i.e., additional creditors, or deleted information.
- (c) ***Execution and Verification.*** Amendments shall be executed and verified under penalty of perjury by the debtor and attorney of record in the same manner that the item being amended was originally executed.
- (d) ***Amendments Adding Ten or More Creditors.*** Amendments that add ten or more creditors shall comply with the provisions of Local Rule 1007-2(a) applicable to the submission of the master mailing matrix with the original petition.
- (e) ***Service of Amendments.*** The debtor shall serve notice of amendments to any persons or entities affected thereby, and file a proof of service with the Clerk in accordance with the provisions of Local Rule 7005-1. Amendments to Schedules D, E, and F shall be served upon the newly added creditor(s), together with a copy of the Notice of Commencement of Bankruptcy Case, Meeting of Creditors, & Deadlines, and in Chapter 13 cases, a copy of the most recently filed Chapter 13 plan.
- (f) ***Amendments to Statement of Social Security Number.*** In compliance with the policy of the United States Judicial Conference to protect personal data identifiers, any amendment to the debtor’s Statement of Social Security Number will be filed on the docket as a restricted entry. The debtor/debtor’s attorney shall (i) serve a copy of the amended statement on all parties who were served with the Notice of Bankruptcy Case, Meeting of Creditors, & Deadlines, and (ii) file a proof of service with the Clerk. Electronic Filing Users shall maintain the original signed and verified amended statement setting out the debtor’s full Social Security number for a period of four years after the case is closed.
- (g) ***Filing Fees.*** Amendments to the debtor’s schedules of creditors, lists of creditors, matrix, or mailing list require the prescribed filing fee unless the nature of the amendment is to change the address of a creditor or an attorney listed for a creditor.

Notes of Advisory Committee

2013 Amendment

This amendment requires that amendments to bankruptcy schedules indicate the information that has been added and/or deleted.

This amendment is effective July 1, 2013.

2004 Amendment

This amendment to the Local Rule above, as with similar amendments removes the requirement to submit additional paper copies of documents because those parties requiring copies will have access to these documents under CM/ECF. It also adds instructions for filing an amendment to the debtor's Statement of Social Security Number. Further, it clarifies when a filing fee is due with an amendment.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is amended to substitute the term "proof of service" for "certificate of service" as required by amended Rule 2.19(a). The other amendment to Local Rule 2.06(d) is stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

Rule 1015-1

JOINT ADMINISTRATION OF CASES

(a) ***Joint Petition by Married Couple.*** If a married couple files a joint petition, or if an involuntary petition is filed against a married couple, the trustee shall administer the estates jointly without order of the Court. If the trustee, a debtor, or any other party in interest desires that the trustee administer the estates separately, that party may move for an order of separate administration.

(b) ***Joint Administration Generally.*** Except in the case of a joint petition by a married couple, a party seeking joint administration shall file a motion for joint administration. A motion for joint administration filed in a Chapter 11 case may be considered with or without a hearing at the Court's discretion.

(c) ***Manner of Joint Administration.*** Jointly administered cases shall be administered as follows:

(1) ***Designation of Lead Case.*** The earliest filed case assigned to a judge shall be designated in the joint administration order as the "lead case," except as otherwise ordered by the Court.

(2) ***Captions.*** All papers shall be captioned with the name and case number of the lead case name followed by the words ("Jointly Administered with") beneath the case number, and shall include the case names and numbers of each case that is subject to joint administration, unless otherwise ordered. However, a proof of claim shall indicate only the case name and number of the case in which the claim is filed. The caption shall not use the word "Consolidated" to refer to joint administration.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION

In re:

ABC Company, Inc.,

Chapter 11
Case No. 8:12-bk-00001-XXX

Jointly Administered with

ABC Holding Co.

Case No. 8:12-bk-00002-XXX

ABC Operating Co.

Case No. 8:12-bk-00003-XXX

Debtors.

_____/

(3) ***Docket.*** With such exceptions as may be determined by the Court, a single case docket shall be maintained after the entry of the order for joint administration under the case number of the case designated in the joint administration order as the lead case.

(4) ***Claims.*** A separate claims register shall be maintained for each case. A separate claim must be filed in each jointly administered case in which a creditor asserts a claim.

(5) ***Monthly Operating Reports.*** In Chapter 11 cases, unless otherwise ordered, a separate Monthly Operating Report shall be filed for each of the jointly administered cases. The Monthly Reports shall be filed in the lead case.

(d) ***Severance of Jointly Administered Cases.*** If at any time, the trustee, a debtor, or any other party in interest desires that jointly administered cases be administered separately, that party may move for an order to sever the joint administration.

Notes of Advisory Committee

2013 Amendment

This amendment clarifies the requirement that Monthly Operating Reports be filed in the lead case and adds subsection (d) to permit the severance of jointly administered cases.

This amendment is effective July 1, 2013.

2012 Amendment

This amendment establishes procedures for the joint administration of estates of persons other than married petitioners. The term “husband and wife” has been changed to “married couple.” The addition of headings and subheadings is a stylistic rather than substantive change.

This amendment is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference’s Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997. This rule was formerly Local Rule 2.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

New subparagraph (c) to Local Rule 2.04 adds a requirement that individuals in bankruptcy cases who are not represented by an attorney are required to file with the petition an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk’s Office.

These amendments were effective on February 15, 1995.

Rule 1019-1

CONVERSION -- PROCEDURE FOLLOWING CHAPTER 11 CONFIRMATION

To the extent conversion is permitted by law, a debtor may convert a Chapter 11 case after confirmation of a plan of reorganization only on order of the Court obtained by motion and hearing with notice to all creditors and parties in interest.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 3.06(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 1020-1

CHAPTER 11 SMALL BUSINESS CASES -- GENERAL

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 1020, entitled "Election to be Considered a Small Business in a Chapter 11 Reorganization Case." This new rule was made necessary by the amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court had adopted Local Rule 1020-1 in 1995 as an interim matter pending amendment of the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of national rule.

This amendment was effective on October 15, 1998.

Rule 1071-1

DIVISIONS -- BANKRUPTCY COURT

(a) The Middle District of Florida consists of those counties and places of holding court as designated in 28 U.S.C. § 89.

(b) The District shall be divided into four Divisions to be known as the Jacksonville, Orlando, Tampa and Ft. Myers Divisions, as follows:

(1) The Jacksonville Division shall consist of the following counties: Baker, Bradford, Citrus, Clay, Columbia, Duval, Flagler, Hamilton, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, Union and Volusia. The place of holding court shall be Jacksonville.

(2) The Orlando Division shall consist of the following counties: Brevard, Lake, Orange, Osceola, and Seminole. The place of holding court shall be Orlando.

(3) The Tampa Division shall consist of the following counties: Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota. The place of holding court shall be Tampa.

(4) The Ft. Myers Division shall consist of the following counties: Charlotte, DeSoto, Glades, Collier, Hendry and Lee. The place of holding court shall be Ft. Myers; provided, however, the Ft. Myers docket shall be kept and administered as directed by the Chief Judge.

(c) All cases shall be commenced in that Division in which the domicile, residence, principal place of business, or principal assets of the person or entity that is the subject of such case have been located for the 180 days immediately preceding such commencement, or for a longer portion of 180 day period than the domicile, residence, principal place of business or principal assets of such person were located in any other Division; or in which there is pending a case under the Bankruptcy Code concerning such person's affiliate.

(d) If a case is filed in a Division other than as provided for in paragraph (c) above, the Court, on its own motion or the motion of any interested party, may order that the

case be transferred to the Division as provided for in paragraph (c) above.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment abolishes the Ocala Division as a separate, freestanding division of the Court and reassigns to the Jacksonville Divisions the counties that presently comprise the Ocala Division. Because of the lack of facilities available to the Court in Ocala, bankruptcy court has not been conducted in Ocala for some considerable period of time. For this reason, cases from counties comprising the Ocala Division have been treated by the Court as filed in and assigned to the Jacksonville Division. In March, 1994, the Judicial Conference of the United States deleted Ocala from the List of approved places for holding bankruptcy court. This amendment, therefore, merely conforms the Local Rules to existing practice.

These amendments were effective on February 15, 1995.

Rule 1073-1

ASSIGNMENT OF CASES

(a) ***Initial Assignment of Cases -- General.*** The Clerk shall assign all cases filed in --

(1) a Division with two or more resident judges, to an individual judge selected by utilization of a blind draw system. The blind draw system is designed to ensure that individual assignment of cases within each Division with two or more resident judges is made at random or by lot. Neither the Clerk nor any member of the Clerk's staff shall have any power or discretion in determining the judge to whom any case is assigned. The method of assignment shall be designed to prevent anyone from choosing the judge to whom a case is to be assigned, and all persons shall conscientiously refrain from attempting to circumvent this rule.

(2) a Division with one resident judge, to the individual judge resident in that Division.

(3) the Ft. Myers Division, to a judge resident in the Tampa Division as designated by the Chief Judge.

(b) ***Initial Assignment of Cases -- Special Provisions.*** Notwithstanding any provision of subsection (a) to the contrary --

(1) The Court may provide that the Clerk shall assign to a particular judge cases filed only under a certain chapter or chapters of the Bankruptcy Code.

(2) The Court may provide that cases be assigned to judges under the blind draw system in such proportions as the Court may from time to time direct.

(3) The Clerk shall assign successive cases filed by or against the same debtor and multiple cases filed by or against related entities or affiliates to the judge assigned the previously filed case if the successive cases are filed in the same division as the first such case. If the successive case is filed by the same debtor in a different division than the previous case within two years of closing the previous case, the Clerk shall assign the successive case to the judge assigned the previous case. For purposes of this subsection (b) (3), a

successive case includes a case that is later refiled after it is dismissed. It shall be the duty of counsel or the petitioning party or parties, if not represented by counsel, to bring such matters to the attention of the Clerk by noting full particulars about the previous or related filings on the second page of the Voluntary Petition (Official Form No. 1) or on a separate Notice of Successive or Related Cases.

(4) No application or motion for any order of court shall be made until the case or proceeding in which the matter arises has been docketed and assigned by the Clerk as prescribed by subsection (a) of this rule, and then only to the judge to whom the case has been assigned; provided, however:

(A) When no case has previously been initiated, docketed, and assigned, emergency applications and motions arising during days or hours that the Clerk's Office is closed may be submitted to any available judge resident in the appropriate Division, or, if no judge is available in the Division, to any other judge in the District, but the case shall then be docketed and assigned by the Clerk on the next business day and shall thereafter be conducted by the judge to whom it is assigned in accordance with subsection (a) of this rule.

(B) When the judge to whom a case or proceeding has been assigned is temporarily unavailable due to illness, absence, or prolonged engagement in other judicial business, emergency applications and motions arising in the case or proceeding may be made to the other resident judge in the Division or, if more than one, to the judge who is junior in date of appointment in that Division. If no other judge is available in the Division, such applications or motions may be made to any other available judge in the District.

(c) ***Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** In the event a judge is unable, because of the entry of an order of disqualification or recusal, to preside in a case or proceeding that is pending in --

(1) a Division with more than two resident judges, the Clerk shall reassign the case or proceeding to another judge resident in that Division selected by utilization of a blind draw system.

(2) a Division with two resident judges, the Clerk shall reassign the case or proceeding to the other judge resident in that Division.

(3) a Division with one resident judge, the Clerk shall reassign the case or proceeding to a judge in another Division as designated by the Chief Judge.

(d) ***Successive Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** In the event a successor judge who is reassigned a case or proceeding is unable to preside because of the entry of an order of disqualification or recusal, the Clerk shall reassign the case or proceeding --

(1) to another judge resident in that Division, if there is one who is able to preside (by utilization of a blind draw system if there is more than one remaining judge able to preside); or

(2) to another judge selected by the Chief Judge if there is no other judge resident in that Division who is able to preside.

(e) ***Reassignment of Cases and Proceedings for Other Reasons.***

(1) Nothing contained in this rule is intended to limit the authority of the Chief Judge pursuant to 28 U.S.C. § 154(b) to assign or reassign cases and proceedings as may be necessary to ensure that the business of the Court is handled effectively and expeditiously or of any judge to reassign cases and proceedings for other appropriate reasons, such as to equalize caseloads among judges, distribute cases to new judges, and the like.

(2) The judge to whom any case or proceeding is assigned may, at any time, reassign the case or proceeding to any other consenting judge for any limited purpose or for all further purposes.

Notes of Advisory Committee

2004 Amendment

This amendment clarifies that the Chief Judge will assign a judge resident in the Tampa Division to Ft. Myers cases and deletes the requirement for a general standing order in the assignment of cases.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment simply makes technical and grammatical changes necessary because of the abolition of the Ocala Division as contained in the amendment to Local Rule 1.03.

These amendments were effective on February 15, 1995.

1993 Amendment

This rule was substantially modified effective February 1, 1993, in anticipation of the arrival of new judges as a result of the expansion of the membership of the court that was authorized by the Congress.

Rule 1074-1

CORPORATIONS AND OTHER NON-NATURAL PERSONS

Corporations, partnerships, trusts, and other non-individual parties may appear and be heard only through counsel permitted to practice in the Court pursuant to Local Rule 2090-1.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.08(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART II.

OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

Rule 2002-1

NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) ***Mailing of Notice.*** The Clerk may require the debtor, the trustee, or other party in interest filing a petition, a complaint, an objection, or other pleading for which a notice may be required to prepare and mail such notice as the Court may designate and to file with the Clerk proof of service in accordance with the provisions of Local Rule 7005-1.

(b) ***Notices in Chapter 11 Cases in Which Committees Have Been Appointed.*** Pursuant to Fed. R. Bankr. P. 2002(i) and unless otherwise ordered by the Court, the notices required by Fed. R. Bankr. P. 2002(a)(2), (3), and (6) may be delivered only to the parties on the Local Rule 1007-2 Parties in Interest List.

(c) ***Notices in Chapter 7 Cases.*** In Chapter 7 cases, pursuant to Fed. R. Bankr. P. 2002(h) and unless otherwise ordered by the Court, after 90 days following the first date set for the meeting of creditors under 11 U.S.C. § 341, all notices required by Fed. R. Bankr. P. 2002(a) need only be served upon the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, creditors, if any, that are still permitted to file claims by reason of an extension granted pursuant to Fed. R. Bankr. P. 3001(c)(1) or (c)(2), and parties who have filed a request for notice pursuant to section (d) of this rule.

(d) ***Requests for Notice.*** A party who files a request for notice pursuant to Fed. R. Bankr. P. 2002(g) shall be placed on the master mailing matrix and, in Chapter 11 cases, on the Local Rule 1007-2 Parties in Interest List. Requests for notice shall be served on the debtor and the trustee.

(e) ***Form of Notice.*** Notices shall be in such form as may be directed by the Clerk or as may be ordered by the Court.

(f) ***Return Address Required.*** Envelopes containing notices or orders served by the Bankruptcy Noticing Center, the debtor's attorney, or the debtor if the debtor is acting *pro se*, shall bear the return address of the debtor's attorney or the *pro se* debtor.

(g) ***Returned Notices.*** If the debtor's attorney or *pro se* debtor receives a piece of mail from the United States Post Office that was addressed to a party to the case but has been returned as undeliverable, the debtor's attorney or the *pro se* debtor shall immediately determine the correct address

of the party, mail a copy of the returned piece of mail to the party, and promptly thereafter file proof of such service with the Clerk. The debtor's attorney or the *pro se* debtor shall also immediately file with the Clerk a notice of the corrected address for the creditor.

(h) ***Service of Orders and Notices.*** If the Court directs an attorney or a party to serve an order or a notice, the attorney or party shall serve the order or notice within three days of its having been entered by the Court, and the attorney or party shall thereafter promptly file a proof of such service in accordance with the provisions of Local Rule 7005-1.

(i) ***Notices as Directed by the Court.*** If a party is authorized by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court to give notice of a hearing or the time in which an objection or request for hearing is required, such notice shall be on the face of the first page of such notice, pleading, or other paper.

(j) ***Administrative Expense.*** The cost or expense incurred in serving notices and orders may be an administrative expense to be paid or reimbursed pursuant to 11 U.S.C. § 503(a).

Notes of Advisory Committee

2013 Amendment

This amendment adds new section (c) which applies to Chapter 7 cases and limits service of notices required by Fed. R. Bankr. P. 2002(a), after 90 days following the first date set for the meeting of creditors, to the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, and creditors, if any, that are still permitted to file claims by reason of an extension granted pursuant to Fed. R. Bankr. P. 3001(c)(1) or (c)(2). This is consistent with Fed. R. Bankr. P. 2002(h).

This amendment is effective July 1, 2013.

2012 Amendment

This amendment incorporates archived Administrative Order FLMB-2003-1 "General Order Regarding the Return Address of Notices and Orders Mailed by the Bankruptcy Noticing Center." The addition of headings and subheadings is intended to be a stylistic rather than substantive change.

This amendment is effective March 15, 2012.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. This amendment, 2002-1(a), recognizes that the Clerk may more expeditiously give notice to creditors or parties in interest through the Bankruptcy Noticing Center (BNC). For practical purposes, only when the Clerk cannot reasonably process notices through BNC, would the Clerk request the moving party to send notice to creditors or other parties in interest.

This amendment, 2002-1(d), adds a provision permitting Electronic Filing Users the ability to complete service of pleadings by electronic means.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.03. Paragraphs (b) through (g) of this rule were formerly paragraphs (b) through (f) and (h) of Local Rule 2.19. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is amended to substitute the term “proof of service” for “certificate of service” as required by amended Rule 2.19(a). The provisions as to the content of the proof and the time for filing the proof are deleted because those subjects are now contained in amended rule 2.19(a).

These amendments were effective on February 15, 1995.

Rule 2002-4

NEGATIVE NOTICE PROCEDURE

(a) ***Matters Authorized to Be Heard on Negative Notice.*** The Court has established a list (the “Negative Notice List”) of motions, objections, and other papers that may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest files an objection to the relief requested. The Negative Notice List is posted on the Court’s website, www.flmb.uscourts.gov, and may be supplemented or otherwise amended by the Court from time to time. Other motions, objections, and other matters may be considered by the Court using the negative notice procedure if permitted by the presiding judge.

(b) ***Manner of Service.*** Motions, objections, and other papers filed pursuant to this negative notice procedure shall:

(1) Be served in the manner and on the parties as required by the applicable provisions of the Federal Rules of Bankruptcy Procedure, Local Rules, or Court order, and shall be filed with proof of such service in accordance with the provisions of Local Rule 7005-1.

(2) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in the following form:

NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within [number] days from the date set forth on the proof of service attached to this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at [address] and serve a copy on the movant's attorney, [name and address, and any other appropriate persons].

If you file and serve an objection within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the objection and may grant or deny the relief requested without a hearing. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

(c) ***Time for Filing Objections.*** For the purpose of completing the negative notice legend, the number of days during which parties may object that is placed in the negative notice legend shall be 21 days, except as set forth on the Negative Notice List.

(d) **Hearings.** In the event a party in interest files an objection within the time permitted in the negative notice legend, the Court may, but need not, schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(e) **Consideration Without a Hearing.** If no objection is filed within the time permitted in the negative notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting the relief. The movant shall submit the proposed order not later than 14 days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed order shall recite that:

(1) The motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 21 (or other) days of the date of service;

(2) No party filed an objection within the time permitted; and

(3) The Court therefore considers the matter to be unopposed.

(f) **Court May Schedule a Hearing Even If No Objection Is Filed.** Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.

Notes of Advisory Committee

2013 Amendment

This amendment refers parties to the Negative Notice List posted on the Court's website for a complete list of the motions, objections, and other matters that have been approved by the Court for consideration using negative notice procedures and for the applicable number of days in the objection period.

This amendment is effective July 1, 2013.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment under section (b)(2) above allows Electronic Filing Users, i.e. those registered with the Court to file pleadings electronically, to take further advantage of using Negative Notice procedures within the electronic filing environment. Together with other Local Rule changes, these amendments are designed to assist attorneys in fulfilling the new electronic filing requirements. Former section (b)(2) is renumbered to (b)(3).

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.19A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The rule codifies the negative notice procedure that has been in use, in varying degrees, in the Court for some time. As authorized by 11 U.S.C. § 102(1), orders required to be entered “after notice and a hearing,” or a similar phrase in the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, may be entered without an actual hearing if appropriate notice is given and no party in interest requests a hearing. This rule is intended to give effect to this authorization in those kinds of matters that experience teaches frequently trigger no opposition. The Advisory Committee considers that this rule will substantially enhance the efficiency and economy of the practice in the Court.

Subparagraph (a)(6) contemplates that the list of motions authorized to be made under the negative notice procedure, as set forth in subparagraph (a)(1) through (a)(5), may be expanded if authorized by the presiding judge for matters heard by that judge.

Although the Advisory Committee foresees that the rule will normally be used in connection with motions, it is intended by the drafters that the rule would also apply if a judge authorizes its use in matters in which an objection rather than a motion initiates the matter. For example, if authorized by a judge for matters before that judge, it could apply to objections to proofs of claim under Fed. R. Bankr. P. 3007. In that case, the party filing an objection to claim would be the "movant" and the objection to claim would be the "motion" for purposes of interpreting and applying the rule.

The rule further contemplates that, when no objection to the motion is filed within the prescribed period, the Court will review the motion for procedural and substantive regularity upon the movant's submission of a proposed form of order granting the motion. The Court may schedule a hearing on the motion if the Court, for any reason, determines that the circumstances make a hearing necessary or desirable.

These amendments were effective on February 15, 1995.

Rule 2007.1-1

TRUSTEES & EXAMINERS (Ch. 11)

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted Local Rule 2007.1-1 in 1995 as an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

Rule 2015-1

TRUSTEE EXPENDITURES

(a) ***Chapter 7 Trustee's Limited Authority to Expend Funds.*** A trustee in charge of the administration of a Chapter 7 estate is authorized to incur and pay expenses directly related to the administration of the estate not to exceed \$500 in the aggregate without order of the Court. The Trustee's Final Report shall itemize all expenses incurred and paid during the administration of the estate and shall be subject to review by the Court.

(b) ***Bank Servicing Fees.*** A trustee may pay bank servicing fees to the extent authorized by the Uniform Depository Agreement that exists between the bank used by the trustee as a depository for estate funds and the United States Trustee. These fees may be assessed against the trustee's bankruptcy accounts.

Notes of Advisory Committee

2012

This rule incorporates archived Administrative Order FLMB 2011-1 "Administrative Order Providing Limited Authority to Expend Funds," which permitted Chapter 7 trustees to incur and pay routine expenses. It increases the amount permitted from \$300 to \$500 without order of the Court. It requires the Trustee's Final Report to itemize all expenses incurred rather than the preliminary report, and permits the payment of bank servicing fees.

This rule is effective March 15, 2012.

Rule 2015-3

CHAPTER 7 TRUSTEES -- NOTICE OF DISPOSITION OF RECORDS

Except with respect to the disposal of patient records pursuant to 11 U.S.C § 351, the trustee in Chapter 7 cases, in addition to complying with the applicable requirements of the United States Trustee's Handbook for Chapter 7 Trustees, shall give 30 days' written notice to the debtor, the debtor's attorney, the Internal Revenue Service, and the United States Trustee prior to destroying any of the debtor's books and records in the trustee's possession.

Notes of Advisory Committee

2012 Amendment

This amendment incorporates the addition of 11 U.S.C. § 351 by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. 109-8. The amendment also clarifies the trustee's duty to meet the requirements of the United States Trustee's Handbook for Chapter 7 Trustees with respect to the destruction of books and records.

This amendment is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.19(g). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2016-1

COMPENSATION OF PROFESSIONALS

(a) **General.** Requests for compensation for professional services and reimbursement of expenses are governed by Fed. R. Bankr. P. 2016 and this Local Rule 2016-1.

(b) **Retainers.** Professionals may apply prepetition and approved postpetition retainers in the ordinary course towards compensation for professional services and reimbursement of expenses without a separate order; however, professionals must fully disclose and account for all retainers in their Rule 2016 Disclosure Statement and in all subsequent applications for compensation. This rule does not relieve professionals from the obligation to file interim and/or final fee applications. The Court may order disgorgement of applied fees and costs at any time. This rule does not preclude any challenge to the entitlement or the reasonableness of any retainer.

(c) **Applications for Compensation for Professional Services and Reimbursement of Expenses.**

(1) **Chapter 7 Cases.**

(i) Except as provided for in Local Rule 2015-1, professionals employed by the Chapter 7 Trustee shall file final fee applications for fees and expenses incurred during a Chapter 7 case upon completion of services or upon notification by the trustee that the case is ready to close.

(ii) In cases that have been converted to Chapter 7, all final applications of professionals for fees and expenses incurred in the case prior to conversion shall be filed within 90 days after the date of the order converting the case.

(iii) All applications, whether interim or final, shall contain the amounts requested and a detailed itemization of the work performed including (1) the name of the individual performing the work; (2) the amount of time expended for each item of work; (3) the hourly rate requested; (4) the date of employment; (5) a discussion of the criteria that are relevant in determining the compensation to be awarded; (6) the detail of reimbursable costs; and (7) a verification stating that the fees and costs for which reimbursement is sought are reasonable for the work performed, and that the application is true and accurate.

(2) **Chapter 11 Cases.**

(i) **General Information Requirements.** Applications for interim or final compensation of less than \$5,000 shall conform to the requirements of section (c)(1)(iii) of this rule. Applications for compensation that exceed \$5,000 in the aggregate shall also contain the information set forth below unless ordered otherwise.

1. The first page of the application shall be the Chapter 11 Fee Application Cover Page available on the Court's website.

2. Time shall be itemized by project category. Examples of project categories include General Case Administration, Asset Sales, Claims Administration and Objections, Fee Applications and Objections, Cash Collateral, Relief from Stay Proceedings, Avoidance Actions, Plan and Disclosure Statement, and Valuation.

3. The narrative portion of the application shall provide information by project category as to the types of services performed, the necessity for performing the services, the results obtained, the benefit to the estate, and other information that is not apparent from the activity descriptions or that the applicant wishes to bring to the attention of the Court. In addition, the narrative portion of the application may describe special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity, or reasons for substantial time billed relating to a specific activity.

4. All applications shall include complete and detailed activity descriptions billed in tenths of an hour (six minutes). Each activity description shall include the type of activity (e.g., phone call, research) and the subject matter (e.g., cash collateral motion, § 341 meeting, etc.). Activity descriptions shall not be lumped – each activity shall have a separate description and a time allotment.

(ii) ***Applications to Permit Monthly Payment of Interim Fee***

Applications. In larger Chapter 11 cases, upon motion and after notice and hearing, the Court may consider the approval of procedures for monthly payment of interim fee applications for professionals.

(iii) ***Final Applications.*** To be considered at the confirmation hearing, a professional fee application shall be filed 30 days prior to the confirmation hearing unless ordered otherwise. The Court will not consider any application for compensation unless all creditors receive at least 21 days' notice of the hearing. The notice of hearing shall at a minimum identify the applicant and the amounts requested. A final application may include an estimate of the amount of additional fees and costs to be incurred through confirmation. The final application may be supplemented at, or prior to, the confirmation hearing, so long as the amount sought is within the estimate. Final applications may be supplemented up to 14 days after entry of the confirmation order for work performed beyond the amount estimated and allowed at confirmation. Supplements to final applications shall be subject to Court approval after notice and hearing.

(3) ***Chapter 13 Cases.*** Compensation for professional services or reimbursement of expenses by attorneys for Chapter 13 debtors shall be governed by the prevailing practice in the Division in which the case is pending.

(d) ***Creditors' Attorney's Fees.*** Applications for attorney's fees made on behalf of a creditor, other than requests under 11 U.S.C. § 503(b)(2), (3), and (4), are not governed by this rule. Nevertheless, any party in interest may seek a judicial determination of such fees.

(e) ***Expense Reimbursement Guidelines.*** The Court may establish expense reimbursement guidelines to address expenses such as photocopying, facsimile transmissions, computerized research, and meals and travel. Such guidelines will be posted on the Court's web site.

(f) ***Waiver Procedure.*** An application to employ a professional within the scope of this rule may include a request that the Court waive, for cause, one or more of the information requirements of this rule. Such waivers may be appropriate for ordinary course professionals and professionals seeking *de minimus* payments and may be granted at the Court's discretion.

Notes of Advisory Committee

2012 Amendment

This amendment establishes the procedures to be used by professionals in seeking compensation in Chapter 7, 11, and 13 cases. Local Rule 2015-1 authorizes Chapter 7 trustees to incur and pay expenses, including payments to professionals, not to exceed \$500 in the aggregate without order of the Court.

This amendment is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 3.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment to Local Rule 3.04 requires that applications of professionals for compensation also be served on the debtor, debtor's attorney, and any trustee appointed under 11 U.S.C. §§ 1104, 1202, or 1302.

These amendments were effective on February 15, 1995.

Rule 2081-1

CHAPTER 11 – GENERAL

(a) ***Operations.*** The trustee or debtor-in-possession in a Chapter 11 case may operate the business of the debtor pursuant to 11 U.S.C. § 1108 and any order of the Court specifying terms and conditions of the operation of the debtor's business.

(b) ***Case Management Summary.*** Within the earlier of three business days following the petition date, or the date that the debtor-in-possession first files a motion requesting affirmative relief, the debtor-in-possession shall file a Chapter 11 Case Management Summary providing the following information:

- (1) description of the debtor's business;
- (2) locations of the debtor's operations and whether leased or owned;
- (3) reasons for filing Chapter 11;
- (4) list of officers, directors and insiders (including relatives of insiders), if applicable, and their salaries and benefits at the time of filing and during the one year prior to filing;
- (5) the debtor's annual gross revenues;
- (6) amounts owed to various creditors, including current year to date and prior fiscal year:
 - (i) priority creditors such as governmental creditors for taxes,
 - (ii) secured creditors and their respective collateral, and
 - (iii) unsecured creditors;
- (7) general description and approximate value of the debtor's current and fixed assets;
- (8) number of employees and gross amounts of wages owed as of petition date;
- (9) status of the debtor's payroll and sales tax obligation, if applicable;
- (10) anticipated emergency relief to be requested within the first 14 days after the petition date; and

(11) the debtor's strategic objectives, i.e., refinancing, cram down, surrender/sale of assets or business.

(c) **Initial Status Conference.** The Court may schedule an initial status conference at which debtor's counsel should be prepared to address the following: status of the case and reason for the bankruptcy case, deadlines for filing a plan and disclosure statement, special noticing issues, the need for scheduling regular status conferences, and the scheduling of pending motions.

(d) **Monthly Operating Reports in Small Business Cases.** Each month, Small Business Debtors as defined in 11 U.S.C. § 101(51D) shall file a Schedule of Receipts and Disbursements (also required of Chapter 11 Business Debtors), following as Appendix A. The Schedule may be filed without the referenced attachments. This requirement is in addition to the Small Business Monthly Operating Report prescribed or promulgated by the Judicial Conference.

(e) **Employee Salaries.** Upon the filing of a Chapter 11 petition, all employees (including managers, agents, or officers who are not affiliates, within the meaning of 11 U.S.C. § 101(2)(A)), may be paid a salary and receive benefits accruing postpetition in the ordinary course of business. The Court may review, and grant appropriate relief, if such salaries are later determined to be unreasonable.

An officer, manager, or employee who also qualifies as an affiliate (collectively, "Affiliate Officer") must file a motion to have his or her salary and benefits approved by the Court in advance of payment. Court authority for payment of any salary or benefits shall not constitute the assumption of any existing employment agreement. A motion for authority for the payment of any prepetition wages or Affiliate Officer's salary may be filed pursuant to the expedited procedures set forth in section (f)(6) of this rule. Authorization for payment may be retroactive to the petition date if the motion so requests.

(f) **Expedited Motions.** The following motions shall be scheduled for hearing within three business days, if reasonably possible and if the motions are served electronically or by facsimile transmission. Expedited motions must be served by facsimile or hand delivery on the Office of United States Trustee, with telephonic notice of the hearing date and time, unless service by another means is agreed to by the Office of the United States Trustee.

(1) **Motion Seeking Authority to Use Cash Collateral.** A motion seeking authority to use cash collateral pursuant to 11 U.S.C. § 363 shall comply with Fed. R. Bankr. P. 4001(b) or (d) and include the following information:

(i) **Typical Terms.** The motion to use cash collateral should include the following provisions:

1. identification of each secured creditor having a security interest in the cash collateral, the basis upon which the secured creditor is entitled to assert a security interest in the cash collateral, and the amount owed to the secured creditor;

2. the type of adequate protection the debtor is offering each secured creditor (e.g., replacement lien, insurance);

3. the amounts and types of cash collateral on the petition date;

4. the amount of cash collateral that the debtor seeks authority to use from the date of the preliminary hearing on the motion through and until the final hearing on the motion, if the debtor seeks the use of cash collateral sooner than 14 days after service of the motion;

5. a budget setting forth the projected cash flow of the debtor for the period of time for which the use of cash collateral is sought;

6. reasonable reporting requirements; and

7. proposed consequences of default.

(ii) ***Extraordinary Terms.*** The following provisions will generally not be approved absent compelling circumstances:

1. any cross-collateralization provision that would secure the repayment of prepetition debt with postpetition assets;

2. a waiver of any claims to include avoidance actions against any secured creditor;

3. a waiver of any rights the estate may have under 11 U.S.C. § 506(c);

4. any factual stipulations or findings that bind the estate or parties in interest with respect to the validity, priority, and extent of secured creditor's liens;

5. immediate relief from stay under the order approving use of cash collateral or automatic relief from stay upon default;

6. granting of liens on avoidance action recoveries;

7. validation of any secured creditor's security interest in its collateral or within a limited period of time after the appointment of a committee pursuant to 11 U.S.C. § 1102; or

8. any subordination of administrative priority claims arising under 11 U.S.C. § 726(c).

(2) ***Motion for Approval of Postpetition Financing.*** A motion seeking approval of postpetition financing pursuant to 11 U.S.C. § 364 shall comply with Fed. R. Bankr. P. 4001(c) and (d) and must include:

(i) the identity of the proposed lender and its relationship to any of the parties;

(ii) a copy of the DIP loan agreement, together with a summary of the terms of the debt to be incurred (“DIP Loan”) including:

1. the collateral in which the lender is seeking to obtain a security interest and whether the lender is seeking to prime existing liens;

2. the amount of the loan proposed to be extended by the lender;

3. the applicable interest rate and all other charges to be made in connection with the DIP Loan; and

4. the payment terms and duration of the DIP Loan.

(iii) the amount of credit that the debtor seeks authority to obtain from the date of the preliminary hearing on the motion through and until the final hearing on the motion, if the debtor seeks authority to obtain credit sooner than 14 days after service of the motion. (The debtor shall attach a budget setting forth the projected cash flow of the debtor for the period of time for which the credit is sought.);

(iv) the efforts made to obtain financing from other lenders;

(v) the debtor’s ability to repay the DIP Loan; and

(vi) the inclusion of any of the terms listed in subsection (f)(1)(ii) above.

(3) ***Motion for Authority to Pay Prepetition Wages.*** A motion seeking authority to pay employees of the debtor prepetition wages outstanding as of the petition date shall include a schedule setting forth:

(i) the name of each employee to whom such wages are sought to be paid;

(ii) the amount due such employee(s) as of the petition date;

(iii) the amounts to be withheld from such wages, including all applicable payroll taxes and related benefits;

(iv) the period of time for which prepetition wages are due;

- (v) whether the employee is presently employed by the debtor;
- (vi) the irreparable harm that will result if the relief is not granted; and
- (vii) whether any of the employees are insiders as defined in 11 U.S.C. § 101(31).

The motion shall also include a representation by the debtor that all applicable payroll taxes and related benefits due to the debtor's employees will be paid concurrently with payment of the wages.

(4) ***Motion for Authority to Maintain Prepetition Bank Accounts.*** A motion seeking authority to maintain prepetition bank accounts shall include:

- (i) a schedule listing each prepetition bank account that the debtor seeks to maintain postpetition;
- (ii) the reason for seeking such authority;
- (iii) the amount on deposit in each such account as of the petition date;
- (iv) whether the depository is an authorized depository pursuant to 11 U.S.C. § 345(b); and
- (v) a representation that the debtor has consulted with the Office of the United States Trustee regarding the continued maintenance of prepetition bank accounts and the United States Trustee has not consented to the proposed maintenance of use of such accounts.

If the debtor is unable to provide the foregoing information, the motion shall set forth the reason why such information is not available and provide an estimate as to when the debtor will supplement its motion with such information.

(5) ***Motion for Authority to Pay Critical Vendors.*** A motion seeking authority to pay prepetition claims deemed critical by the debtor will generally not be approved absent compelling circumstances supported by evidentiary findings. Any such motion shall include:

- (i) a schedule of the names of each claimant;
- (ii) the amount due each claimant;
- (iii) a description of the goods or services provided to the debtor by each claimant;

(iv) facts and law supporting payment of the prepetition debt under the doctrine of necessity;

(v) the irreparable harm that will result if the relief is not granted; and

(vi) whether the claimant has made any concession or other agreement in consideration for the proposed payment, including the extension of postpetition trade credit.

(6) ***Motion for Authority to Pay Affiliate Officer Salaries.*** A motion to pay, on an interim basis, the salary of any officer, manager, or employee, who also qualifies as an affiliate under 11 U.S.C. § 101(2)(A) shall include:

(i) the name of the Affiliate Officer, the officer's position and job responsibilities;

(ii) the nature of the Affiliate Officer's relationship to the debtor;

(iii) the salary received by the Affiliate Officer during the 12 months prior to the filing of the debtor's Chapter 11 petition, including a description of any prepetition employment agreement;

(iv) a description of any services performed for any third party or compensation received or that will be received by the Affiliate Officer from any source other than the debtor-in-possession after the date of the petition;

(v) the salary proposed to be paid to the Affiliate Officer, including all benefits; and

(vi) the amounts to be withheld from such salary of the Affiliate Officer, including all applicable payroll taxes and related benefits.

An interim order to authorize the payment of salaries to Affiliate Officers is subject to review or reconsideration at any time upon the motion of a party in interest or by the Court *sua sponte*.

(7) ***Motion to Determine Adequate Assurance for Payment of Utility Services or, in the Alternative, Establishing the Procedure for Determining Adequate Assurance.***

(i) ***Content of the Motion.*** A motion to determine adequate assurance of payment of the debtor's utility services shall include:

1. a schedule of the names and addresses of the utilities;

2. whether the debtor is current in the payment of its utility;

3. an estimate of average monthly utility expense;

4. the amount owed to each utility; and

5. the method by which the debtor will provide adequate assurance of timely payment.

(ii) ***Proposed Order Conditionally Approving Motion.*** The motion shall be accompanied by a proposed order that provides for conditional approval of the motion subject to a 30-day objection period, which shall be set forth in the order by including above the preamble and below the title of the order the following bulletin in print either highlighted or bold so as to make it more prominent than the remainder of the text:

Any interested party who fails to file and serve a written objection to the motion (as conditionally approved by this Order) within 30 days after entry of the Order, shall be deemed to have consented to the provisions of this Order.

(iii) ***Objections.*** Timely objections will be scheduled for hearing. If no timely objection is filed the order shall be deemed final, and no further notice, hearing, or order shall be required.

(g) ***Use of Property.*** Subject to the provisions of 11 U.S.C. §§ 363 and 365, the debtor-in-possession may use, sell, or lease property of the estate. The debtor-in-possession is authorized to pay all necessary and current expenses of operating its business, including tax and lease payments, to the extent that such payments are necessary to preserve the assets or operate the business and provided that the payments are for only the postpetition period.

(h) ***Bank Accounts.*** The debtor-in-possession, consistent with 11 U.S.C. § 345, is authorized to open and maintain bank accounts for the deposit, investment, and disbursement of monies of the estate; provided, however, that the debtor-in-possession shall segregate all monies withheld from employees or collected for taxes in a separate bank account(s) and shall pay these funds to the proper authority when due.

Notes of Advisory Committee

2013 Amendment

This amendment requires that a Case Management Summary be filed in advance of the filing of any motion in the case and sets forth the matters that the Court may wish to address if an Initial Status Conference is scheduled.

This amendment is effective July 1, 2013.

2012 Amendment

This amendment establishes a rule that is consistent with Administrative Order FLMB-2009-1 “Administrative Order Establishing Initial Procedures in Chapter 11 Cases Filed in the United States Bankruptcy Court of the Middle District of Florida.” Additionally, the rule requires that Small Business Debtors file a Schedule of Receipts and Disbursements in addition to Small Business Monthly Operating Reports.

Federal Rules of Bankruptcy Procedure 6003 and 4001 should be considered with regard to “first-day” motions. Consideration should also be given to the Court’s general procedures for emergency hearings.

The addition of headings and subheadings is a stylistic rather than a substantive change.

This amendment is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local Rule to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference’s Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 3.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment dispenses with the requirement for the filing of a motion for authority to operate the business of the debtor. Consistent with current practice, it is contemplated that the court will enter an order *sua sponte* setting forth the requirements for operating the business of the debtor. It was the view of the Advisory Committee that dispensing with the requirement of filing a motion would reduce needless paperwork for counsel and the Clerk’s office.

These amendments were effective on February 15, 1995.

SCHEDULE OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD BEGINNING _____ AND ENDING _____

Name of Debtor: _____
Date of Petition: _____

Case Number _____

	CURRENT MONTH	CUMULATIVE PETITION TO DATE
1. FUNDS AT BEGINNING OF PERIOD	(a)	(b)
2. RECEIPTS:		
A. Cash Sales		
Minus: Cash Refunds	(-)	
Net Cash Sales		
B. Accounts Receivable		
C. Other Receipts (<i>See MOR-3</i>)		
(If you receive rental income, you must attach a rent roll.)		
3. TOTAL RECEIPTS (<i>Lines 2A+2B+2C</i>)		
4. TOTAL FUNDS AVAILABLE FOR OPERATIONS (<i>Line 1 + Line 3</i>)		
5. DISBURSEMENTS		
A. Advertising		
B. Bank Charges		
C. Contract Labor		
D. Fixed Asset Payments (not incl. in "N")		
E. Insurance		
F. Inventory Payments		
G. Leases		
H. Manufacturing Supplies		
I. Office Supplies		
J. Payroll – Net		
K. Professional Fees (Accounting & Legal)		
L. Rent		
M. Repairs & Maintenance		
N. Secured Creditor Payments		
O. Taxes Paid – Payroll		
P. Taxes Paid - Sales & Use		
Q. Taxes Paid - Other		
R. Telephone		
S. Travel & Entertainment		
Y. U.S. Trustee Quarterly Fees		
U. Utilities		
V. Vehicle Expenses		
W. Other Operating Expenses (<i>See MOR-3</i>)		
6. TOTAL DISBURSEMENTS (<i>Sum of 5A thru W</i>)		
7. ENDING BALANCE (<i>Line 4 Minus Line 6</i>)	(c)	(c)

I declare under penalty of perjury that this statement and the accompanying documents and reports are true and correct to the best of my knowledge and belief.

This ____ day of _____, 20__.

(Signature)

(a) This number is carried forward from last month's report. For the first report only, this number will be the balance as of the petition date.

(b) This figure will not change from month to month. It is always the amount of funds on hand as of the date of the petition.

(c) These two amounts will always be the same if form is completed correctly.

MONTHLY SCHEDULE OF RECEIPTS AND DISBURSEMENTS (cont'd)

Detail of Other Receipts and Other Disbursements

OTHER RECEIPTS:

Describe Each Item of Other Receipt and List Amount of Receipt. Write totals on Page MOR-2, Line 2C.

<u>Description</u>	<u>Current Month</u>	<u>Cumulative Petition to Date</u>
TOTAL OTHER RECEIPTS		

“Other Receipts” includes Loans from Insiders and other sources (i.e. Officer/Owner, related parties, directors, related corporations, etc.). Please describe below:

<u>Loan Amount</u>	<u>Source of Funds</u>	<u>Purpose</u>	<u>Repayment Schedule</u>

OTHER DISBURSEMENTS:

Describe Each Item of Other Disbursement and List Amount of Disbursement. Write totals on Page MOR-2, Line 5W.

<u>Description</u>	<u>Current Month</u>	<u>Cumulative Petition to Date</u>
TOTAL OTHER DISBURSEMENTS		

Rule 2090-1

ATTORNEYS -- ADMISSION TO PRACTICE

(a) Except as provided for below, no attorney shall be permitted to appear or be heard as counsel for another in any case or proceeding in the Court unless first admitted to practice in the United States District Court for the Middle District of Florida pursuant to Rule 2.01 of the Local Rules for the United States District Court for the Middle District of Florida.

(b) An attorney residing outside the State of Florida, who is not admitted to practice in the United States District Court for the Middle District of Florida, may appear without the necessity of seeking special admission to practice as provided for in subparagraph (c) below, and may also appear without general or special admission to practice in the following limited instances: the preparation and filing of a notice of appearance and request for service of notices pursuant to Fed. R. Bankr. P. 2002, the preparation and filing of a proof of claim, the attendance and inquiry at the meeting of creditors held under 11 U.S.C. § 341, and the attendance and representation of a creditor at a hearing that has been noticed to all creditors generally except the representation of a party in a contested matter or adversary proceeding.

(c) Special Admission to Practice.

(1) Any attorney residing outside the State of Florida, who is a member in good standing of the bar of any District Court of the United States other than the Middle District of Florida, may appear specially and be heard in any case or proceeding without formal or general admission; provided, however, that such privilege is not abused by frequent or regular appearances in separate cases to such a degree as to constitute the maintenance of a regular practice of law in the Middle District of Florida; and provided further that, whenever a nonresident attorney appears as counsel by filing any pleading or paper in any case or proceeding pending in the Court except as specified in paragraph (b) above, the attorney shall, within fourteen (14) days thereafter, file a written designation and consent-to-act on the part of some member of the bar of the Middle District, resident in Florida, upon whom all notices and papers may be served and who will be responsible for the progress of the case; provided, however, the Court may waive

such designation for good cause shown. The designation and consent-to-act requirement shall be deemed satisfied by the filing of a pleading signed as co-counsel by the non-resident attorney and by the Florida resident attorney who is a member of the bar of this district.

(2) Any attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear specially and be heard in any case or proceeding in which the Government or such agency thereof is a party in interest, without formal or general admission.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.07(a)-(c)(1)-(2). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in paragraph (a) of this rule is to District Court Local Rule 2.01. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.01.

1995 Amendment

The amendment to Local Rule 1.07(b) is stylistic. No substantive change is intended.

The amendment to Local Rule 1.07 (c)(1) specifies that the attorney executing the written designation and consent-to-act on behalf of the non-resident attorney be resident in the Middle District of Florida.

The amendment to Local Rule 1.07(c)(3) is intended to clarify that an attorney appearing specially is subject to the same disciplinary process as a member of the bar of the District Court.

These amendments were effective on February 15, 1995.

Rule 2090-2

ATTORNEYS -- DISCIPLINE

(a) Any attorney who appears in this Court, including those appearing *pro hac vice* or pursuant to the provisions of Local Rule 2090-1(c) (1) or (2), shall be deemed to be familiar with and shall be governed by these rules and by the Rules of Professional Conduct and other ethical limitations or requirements then governing the professional behavior of members of The Florida Bar and shall be subject to the disciplinary powers of the Court, including the processes and procedures set forth below in this Rule 2090-2.

(b) Any attorney who appears in this Court, either generally under Rule 2090-1(a) or (b) or specially under Rule 2090-1(c), may, after hearing and for good cause shown, be reprimanded, suspended (temporarily or permanently) from practice before this Court, or subjected to such other discipline as a judge of this Court may deem proper.

(c) Whenever it appears to the Court that any attorney who appears in this Court, either generally under Rule 2090-1(a) or (b) or then appearing specially under Rule 2090-1(c), has been disbarred or suspended from practice by the Supreme Court of Florida, or by any other court of competent jurisdiction, as the case might be, or has been disbarred on consent or resigned from the bar of any other court while an investigation into allegations of misconduct is pending, or has been convicted of a felony in any court, such disbarment, suspension, resignation, or conviction shall, twenty (20) days thereafter, operate as an automatic suspension of such attorney's right to practice in this Court; provided, however, the attorney may file, within such twenty (20) day period, a motion, with a copy served upon the United States Attorney, seeking relief from the operation of this rule, and if a timely motion is filed, suspension shall be stayed until the motion is determined. If such motion is filed by an attorney who has been admitted to practice generally under Rule 2090-1(a) or (b) of these rules, it shall be heard and determined by the Chief Judge of this Court sitting with any two or more judges of this Court as the Chief Judge of this Court shall designate. If such motion is filed by an attorney who has been admitted to practice specially under Rule 2090-1(c) of these rules, it shall be heard and determined by the judge assigned to the case in which such special appearance has been made.

(d) Any attorney who appears in this Court, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, including any attorney who is disbarred on consent or resigns from any bar while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of this Court of such action.

(e) Without limiting a judge's ability to discipline an attorney as provided in subsection (b) of this rule, and in addition to or as an alternative to such ability, upon request of a judge of this Court, the Chief Judge of this Court shall convene and appoint a Grievance Committee in the requesting judge's Division of the Court to conduct an investigation of alleged misconduct on the part of an attorney who appears in this Court, whether appearing generally under Rule 2090-1(a) or (b) or specially under Rule 2090-1(c). Each Grievance Committee so appointed shall consist of not less than five attorneys regularly practicing in that Division, three of whom shall constitute a quorum. Appointments shall be for the period of time necessary to conclude the investigation for which the Grievance Committee was appointed. The Court shall designate the Chairman of the Committee, but each Committee shall otherwise organize itself as it sees fit. All proceedings before the Committees may be conducted informally, but shall remain confidential unless otherwise ordered by the Court. Each Committee shall function as follows:

(1) When a requesting judge refers for investigation by a Committee any matter or question touching upon the professional behavior of an attorney, the Chairman of the Committee will promptly designate a member to investigate the matter and make a report to the Committee as a whole for the Committee's determination as to whether (i) the inquiry should be terminated because the question raised is unsupported or insubstantial; or (ii) the question raised justifies further inquiry but should be referred to the appropriate grievance committee of The Florida Bar; or (iii) the question raised should be pursued because there is probable cause to believe that the subject attorney has been guilty of unprofessional conduct justifying disciplinary action by the Court. The Chairman of the Committee shall then report the Committee's recommendation to the requesting judge and shall follow his or her direction.

(2) If the requesting judge directs prosecution under this Rule 2090-2, such report shall then be transmitted to the United States Attorney (or, if the United States Attorney be disqualified by interest, to another member of the bar appointed by the Chief Judge of this Court for that purpose) who shall file and serve a motion for an order to show cause upon the accused attorney. Such motion, and all further proceedings thereon, shall be heard and determined by the Chief Judge of this Court sitting together with any two or more judges of this Court as the Chief Judge of this Court shall designate.

(f) It shall be the duty of every attorney who appears in this Court, either generally under Rule 2090-1(a) or (b) or specially under Rule 2090-1(c), to respond to the Court in any proceeding under subsection (b) of this rule or any Grievance Committee of the Court or the United States Attorney during the course of any investigation or prosecution being conducted pursuant to subsection (e) of this rule; provided, however, no attorney shall be entitled as of right to notice of the pendency of any such investigation unless and until the attorney is named in an order to show cause filed pursuant to subsection (e)(2) of this rule.

(g) Any discipline imposed under subsection (b) or (e) of this rule will be reported to the District Court for the Middle District of Florida.

(h) Nothing in this rule shall be construed as providing exclusive procedures for the discipline of an attorney in appropriate cases nor as a limitation upon the power of the Court to punish for contempt in appropriate cases.

(i) Attorneys and litigants should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.

Notes of Advisory Committee

2009 Amendment

This amendment adds a local disciplinary rule. Although bankruptcy courts possess the inherent power to discipline attorneys and impose sanctions, this rule is meant to address

the policy and recommendation of the American Bar Association (ABA) that "the Federal Rules of Bankruptcy Procedure . . . be amended. . . to clarify the authority of bankruptcy courts to discipline attorneys . . . and require . . . bankruptcy courts to adopt and enforce local disciplinary rules with respect to attorneys practicing before them. . . ." American Bar Association, Report and Recommendation 117 at 2 (adopted August 2006). As of the date of this amendment, the Federal Rules of Bankruptcy Procedure have not been so amended. Nonetheless, for reasons recited in the ABA report as well as the Court's desire to provide formal, systemic disciplinary procedures as an option to the use of *sua sponte* discipline by one of the Court's bankruptcy judges, this Court has elected to act on the recommendation that a local disciplinary rule be adopted. Although attorneys who practice in the Bankruptcy Court must be admitted to practice in the United States District of Court for the Middle District of Florida, subject to that court's Rule 2.04(e)(1), only a portion of such attorneys actually appear in the District Court. Therefore, this Court deems it advisable to adopt its own grievance process pursuant to which this Court will address misconduct issues arising in cases in this Court. This amendment was effective on April 19, 2009.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.07(c)(3). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in this rule is to District Court Local Rule 2.04. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.04.

Rule 2091-1

ATTORNEYS – WITHDRAWALS AND SUBSTITUTIONS

(a) ***Withdrawal Generally.*** Except as otherwise provided in this Local Rule or by order of the Court, no appearance by an attorney may be withdrawn in any case or proceeding except by leave of Court, after fourteen days' notice served on the client and parties in interest affected thereby, and to opposing counsel.

(b) ***Withdrawal for Party in Interest Other Than the Debtor.*** An attorney for a party in interest other than the debtor who is not a party to any pending contested matter or adversary proceeding may withdraw his or her appearance without court order by filing a notice of withdrawal as attorney, stating the name and mailing address of the client, and serving copies of the notice on the client, the debtor, the trustee, the United States Trustee, and their attorneys.

(c) ***Withdrawal of Co-Counsel.*** An attorney seeking to withdraw from representing a client in a case or proceeding at a time when such client is represented by other counsel of record in such matter may withdraw his or her appearance by filing a notice of withdrawal that is approved and signed by the client and other counsel of record for the client, and serving copies of the notice on parties in interest entitled to notice.

(d) ***Substitution of Counsel.*** Counsel seeking to withdraw from representation of a client may file a joint motion with counsel seeking to be substituted in as counsel for such client, in the relevant case or proceedings, requesting authority of the Court for substitution of counsel. Such motion shall certify that the client has consented to the substitution or be signed by the client, and such motion shall be served on the client and parties in interest entitled to notice. The Court may grant a joint motion for substitution of counsel without a hearing. The provisions of this rule shall be subject to the requirements of the Bankruptcy Code, the Bankruptcy Rules, and this Court's Local Rules with regard to retention of professionals, disclosure, payment of professionals, and related matters.

Notes of Advisory Committee

2013 Amendment

This amendment establishes procedures for the withdrawal of an attorney for a party in interest other than the debtor who is not a party to any pending contested matter or proceeding, the withdrawal of an attorney when the party is represented by another attorney, and the substitution of one attorney for another.

This amendment is effective July 1, 2013.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.08(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendments to Local Rule 1.08 are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

Rule 2092-1

APPEARANCES BY LAW STUDENTS

(a) **Purpose.** In the interest of providing assistance to lawyers who represent clients unable to pay for legal services, and encouraging participating law schools to provide clinical instruction in the conduct of litigation in bankruptcy court, this rule establishes the rules and procedures by which eligible law students may appear in this Court.

(b) **Qualified Law Students.** Except as otherwise provided herein, the requirements of M.D. Fla. R. 2.05 shall govern the limited admission of qualified law students to practice before the Court for the purpose of representing indigent persons. This limited admission to practice before the Court is granted at the pleasure of the Court and may be revoked at any time upon the Court's own motion. In addition to the requirements of M.D. Fla. R. 2.05(d), a qualified law student must comply with all applicable requirements promulgated by the Supreme Court of Florida and the Florida Bar.

(c) **Participation under Supervision.** A qualified law student may participate in all court proceedings, including depositions, provided that a supervising lawyer or another lawyer from the same office as the supervising attorney is present. The supervising lawyer or another lawyer from the same office shall be present while a qualified law student is participating in court proceedings.

(d) **Requirements of Supervising Lawyer.** The supervising lawyer shall be admitted to practice before this Court as an Electronic Filing User. The supervising lawyer, or another lawyer with the same law firm as the supervising attorney, shall direct, supervise, and review all of the work of the qualified law student and shall assume personal professional responsibility for any work undertaken by the qualified law student while under the lawyer's supervision. All pleadings, motions, briefs, and other papers prepared by the qualified law student shall be reviewed by the supervising lawyer or a lawyer with the same law firm as the supervising lawyer.

(e) **Termination of Supervising Lawyer.** A lawyer currently acting as a supervising lawyer may be terminated as a supervising lawyer at the discretion of the Court. When a qualified law student's supervising lawyer is so terminated, the student shall cease performing any services under this rule until written notice of a substitute supervising lawyer, signed by the student and by the supervising lawyer, is filed with the Court.

(f) **Signature on Court Filings.** When a qualified law student signs any correspondence or legal document, the qualified law student's signature shall be followed by the title "Law Student," and if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the supervising lawyer or a lawyer from the same office as the supervising lawyer.

(g) ***Judicial Determination of Indigency Not Required for Referral to a Qualified Law Student.*** A judicial determination of indigency is not required, and no motion for a judicial determination of indigency need be filed, with respect to any person who has been referred to a qualified law student by a not-for-profit legal aid organization or legal aid clinic operated by a participating law school.

(h) ***Law Student and Supervising Attorney Not “Debt Relief Agencies.”*** The performance of *pro bono* legal services to debtors or other persons who are unable to pay for such legal services, in accordance with this rule, shall not cause the qualified law student, the sponsoring legal aid organization or law school, or the supervising attorney to be deemed a “debt relief agency” as defined in 11 U.S.C. § 101(12A).

Notes of Advisory Committee

2013

This rule establishes procedures by which supervised law students may appear before the Court. This rule is effective July 1, 2013.

PART III.

**CLAIMS AND DISTRIBUTION TO CREDITORS
AND EQUITY INTEREST HOLDERS; PLANS**

Rule 3002-1

TIME FOR FILING PROOFS OF CLAIM IN REINSTATED CASES

If a Chapter 7, 12, or 13 case is dismissed and later reinstated, the deadline in Fed. R. Bankr. P. 3002(c) for filing a proof of claim is modified as follows:

(a) ***Dismissal Before § 341 Meeting.*** In a case dismissed before the § 341 meeting is held, the new deadline for filing a proof of claim or interest shall be 28 calendar days after the rescheduled § 341 meeting or expiration of original bar date, whichever is later;

(b) ***Dismissal After § 341 Meeting.*** In a case dismissed after the § 341 meeting is held, the new deadline for filing a proof of claim or interest shall be 28 calendar days from entry of the order vacating the order of dismissal or expiration of original bar date, whichever is later.

This rule shall not apply to cases in which the claims bar date expired prior to dismissal.

Notes of Advisory Committee

2012

This rule provides for new deadlines for filing proofs of claims in bankruptcy cases that are dismissed and thereafter reinstated before the expiration of the claims bar date.

This rule is effective March 15, 2012.

Rule 3007-1

CLAIMS -- OBJECTIONS

(a) Objections to claims shall state the legal and factual basis for the objection and the amount of the debt conceded, if any.

(b) For purposes of Fed. R. Bankr. P. 3007, service of an objection to a proof of claim shall be sufficient if it is served on the claimant by mailing a copy by prepaid, first class United States mail to:

(1) the attorney for the claimant, if the attorney has filed a notice of appearance and request for notice pursuant to Fed. R. Bankr. P. 2002(g); and

(2)(i) the agent or representative of the claimant who executed the proof of claim, if the name and address of the agent or representative are legibly stated in the proof of claim; or

(ii) if the name and address of the agent or representative are not legibly set forth in the proof of claim, the claimant at all addresses given for the claimant in the proof of claim. When the claimant is a domestic or foreign corporation, a partnership, or other unincorporated association, the objection shall be mailed to the attention of an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the claimant.

(c) If the claimant is a governmental entity or an insured depository institution, the objection shall also be served in the manner required by Fed. R. Bankr. P. 7004.

(d) All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or overruled and that the claim is either allowed or disallowed.

(e) If the objecting party is an Electronic Filing User who has consented to file and receive documents by electronic means, the objection may be served electronically upon any other Electronic Filing User who has so consented.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 3007(e) adds a provision permitting the Electronic Filing Users the ability to complete service of pleadings by electronic means.

2000 Amendment

As set forth in new paragraph (b)(1) of this rule, objections to claim are to be served on the attorney for the claimant if the claimant's attorney has filed a F.R.B.P. 2000(g) notice of appearance and request for notice. Service on the claimant's attorney of record is in addition to service on the claimant as previously required by former paragraphs (b)(1) and (b)(2) of the rule. Under this amendment, these former paragraphs are renumbered as subparagraphs (b)(2)(i) and (b)(2)(ii).

The additional service requirement contained in this amendment is designed to remedy problems arising when an objecting party properly serves the objection on the claimant but does not also serve the claimant's counsel of record. Claimants who employ counsel in a bankruptcy case reasonably expect that their attorneys will receive notice of actions affecting their claims. See, e.g., Fed. R. Civ. P. 5(b). Yet attorneys who have properly entered their appearances are not regularly served when parties object to their clients' claims. This failure to notice counsel has led to the unnecessary continuation of hearings and the setting aside of orders sustaining objections when counsel for the claimant, who has received no notice, fails to respond or appear.

This amendment also harmonizes service of objections to claims with service upon a debtor under Fed. R. Bankr. P. 7004(b)(9), which requires service on both the debtor and the debtor's counsel.

This amendment was effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Fed. R. Bankr. P. 3007 requires that objections to the allowance of claims be served on "the claimant, the debtor or the debtor in possession and the trustee." Local Rule 2.10 deals with how the claimant who has filed a proof of claim is to be served with such an objection.

The amendment to subparagraph (b)(1) clarifies that objections to proofs of claim must be served on the agent or representative of the claimant who executed the proof of claim if that person's name and address are legibly stated in the proof of claim.

The amendment to subparagraph (b)(2) clarifies that, if this information is not legibly contained in the proof of claim, then the claimant must be served at all addresses given for the claimant in the proof of claim. This amendment also makes clear that, when the claimant is a corporation, partnership, or other unincorporated association, such an objection must be mailed to the attention of an officer, a managing or general agent, or other authorized agent of the claimant.

The amendment to subparagraph (c) is necessitated by Section 114 of the Bankruptcy Reform Act of 1994. This legislation amended Fed. R. Bankr. P. 7004 by providing additional certified mail service requirements for insured depository institutions. In addition, the amendment continues the existing requirement that governmental entities also must be served in the special manners set forth in Fed. R. Bankr. P. 7004.

These amendments were effective on February 15, 1995.

Rule 3012-1

VALUATION OF SECURITY -- SERVICE

A party filing a motion to determine the secured status of a claim under 11 U.S.C. § 506 and Fed. R. Bankr. P. 3012 shall serve the holder of the secured claim in both the manner required by Local Rule 3007-1(b) and (c) and the manner required by Fed. R. Bankr. P. 7004.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

2000 Amendment

This new local rule is designed to ensure that a motion to determine the secured status of a claim is served on the person who filed the proof of claim and the claimant's attorney, just as an objection to a claim is served on the person who filed the proof of claim and the claimant's attorney. See Local Rule 3007-1(b) and (c).

In the past, parties have served such motions on corporate claimants in an appropriate manner under Fed. R. Bankr. P. 7004, but the person within the organization with knowledge of the claim has not received the motion until well after the court has already acted on the motion. In these circumstances, the Court has had to revisit the matter, and the work of the parties and the Court has been duplicated. By ensuring that a party also serves the motion on the individual who filed the proof of claim, it is thought that problems of this sort experienced in the past can be eliminated.

This amendment was effective on December 1, 2000.

Rule 3017-2

DISCLOSURE STATEMENT -- SMALL BUSINESS CASES

[Abrogated]

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure amended Rule 2007.1. These amendments were made necessary by amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted Local Rule 2007.1-1 in 1995 as an interim matter pending amendment to the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of the national rule.

This amendment was effective on October 15, 1998.

Rule 3018-1

BALLOTS -- VOTING ON PLANS

(a) ***Form of Ballot.*** The form of ballot distributed to creditors shall include both the Court's physical address and information regarding the Chapter 11 eBallot hyperlink on the Court's website, and shall state that ballots must be received by the Clerk no later than the deadline established by order of the Court.

(b) ***Filing of Ballots.*** Ballots may be filed in paper with the Court, or may be electronically filed with the Clerk's Office via the Chapter 11 eBallot hyperlink located on the Court's website, www.flmb.uscourts.gov. A report of all ballots filed may be viewed on CM/ECF.

(c) ***Late-Filed Ballots.*** Any ballot received after the last day to file ballots shall be considered as a late-filed ballot, and its acceptance shall be left to the discretion of the judge.

(d) ***Ballot Tabulation.*** The attorney for the proponent of the Chapter 11 plan shall prepare a tabulation of the acceptances and rejections of the plan. The ballot tabulation shall be filed not later than ninety-six (96) hours prior to the time set in the order or notice for the hearing on confirmation. The tabulation shall list the following for each class: total number of claims voting; total number of claims accepting; total dollar amount of claims voting; total dollar amount of claims accepting; percentages of claims voting that accept the plan; and percentage of dollar amount of claims voting that accept the plan. The ballot tabulation shall also indicate, for each class, whether the class is impaired or unimpaired, and whether the requisite vote has been attained.

(e) ***Rules Governing Ballot Tabulation.*** In tabulating the ballots, the following rules shall govern:

(1) Although CM/ECF creates a ballot report, it may include late-filed or otherwise invalid ballots. The responsibility for independently reviewing and tabulating acceptances and rejections for the plan remains with the attorney for the plan proponent.

(2) Ballots that are not signed, or where a company name is not shown on the signature line (when applicable), will not be counted either as an acceptance or as a rejection.

(3) If the amount shown as owed on the ballot differs from the debtor's schedules, and a proof of claim has been filed, unless an objection to the amount set forth on the proof of claim has been filed, the amount shown on the proof of claim will be used for the purpose of determining the amount voting. If no proof of claim has been filed, the amount shown on the schedules will be used.

(4) If an objection to a proof of claim has been filed, absent court order to the contrary, the ballot filed by the claimant shall not be counted as either an acceptance or a rejection, but information regarding the ballot shall be included on the ballot tabulation.

(5) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or as a rejection.

(6) Ballots that are filed after the last date set for filing for ballots will not be counted either as an acceptance or as a rejection, unless leave of Court is granted.

(7) If duplicate ballots are filed, with one electing acceptance and the other electing rejection, neither ballot will be counted unless the later ballot is designated as amending the prior one.

Notes of Advisory Committee

2013 Amendment

This amendment recognizes the Court's current practice, which permits ballots to be electronically filed via CM/ECF or via the Chapter 11 eBallot hyperlink located on the Court's website. The amendment also clarifies the rules governing ballot tabulations.

This amendment is effective July 1, 2013.

2004 Amendment

This amendment 3018-1(b) clarifies how ballots will be submitted to the Court and how they will be maintained by the Clerk's Office.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 3.05(b) through (d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 3.05(b) has been amended to provide that service of the ballot tabulation shall be on the Office of the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104. The other amendments to Local Rule 3.05(b) are stylistic. No substantive change is intended.

A new provision has been added as Local Rule 3.05(c) requiring that the form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court.

The amendments to Local Rule 3.05(d)(1), (d)(3), and (d)(4) are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

Rule 3020-1

CHAPTER 11 -- CONFIRMATION

(a) Unless otherwise ordered by the Court, any objections to confirmation in a Chapter 11 case shall be filed and served seven (7) days before the date of the hearing. The objection shall be served upon the debtor, the debtor's attorney, the trustee or examiner (if any), the proponent of the plan (if not the debtor), counsel for any official committee, and the United States Trustee.

(b) The debtor shall be responsible for preparing the order of confirmation in a Chapter 11 case and submitting it to the Court for signature. The order must be submitted to the Court within fourteen (14) days after the hearing on confirmation. The debtor shall then be responsible for the distribution of the confirmed order and copies of the confirmed plan to all creditors, the United States Trustee, those persons on the Local Rule 1007-2 Parties in Interest List, and other parties as may be designated by the Court. Such distribution must be accomplished and proof of such service filed in accordance with the provisions of Local Rule 7005-1 within fourteen (14) days of the entry of the Court's order on the docket.

(c) Unless otherwise ordered by the Court, the debtor shall file any adversary proceedings or contested matters contemplated by the Chapter 11 plan of reorganization and file any objections to claims no later than thirty (30) days after the entry of an order of confirmation.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraph (a) of this rule was formerly Local Rule 3.05(a). Paragraph (b) of this rule was formerly Local Rule 3.06(b). Paragraph (c) of this rule was formerly Local Rule 3.06(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 3.06(a) has been amended to include the requirement that the debtor file any adversary proceedings or contested matters contemplated by the plan of reorganization no later than thirty (30) days after the entry of an order of confirmation.

Local Rule 3.06(c) has been amended to include contested matters and adversary proceedings within the matters which must be concluded before entry of a final decree.

Local Rule 3.06(d) has been added to make clear the requirement that a debtor who desires to convert a Chapter 11 case after confirmation of a plan of reorganization may do so only on motion and hearing with notice to all creditors and parties in interest. This is consistent with Bankruptcy Code § 1112(a)(1) which precludes the debtor from converting a case from Chapter 11 to Chapter 7 as a matter of right if the debtor is not a debtor in possession, Fed. R. Bankr. P. 9013 which requires that a request for an order be made by motion, and Fed. R. Bankr. P. 2002(a)(5) which requires that parties in interest receive twenty days' notice of a hearing on conversion of a case to another chapter. It is not intended that this Local Rule create any substantive rights not otherwise available under existing law.

These amendments were effective February 15, 1995.

Rule 3021-1

DISPOSITION OF UNCLAIMED OR UNDISTRIBUTABLE FUNDS IN A CHAPTER 11 LIQUIDATING PLAN

(a) ***Disposition of Unclaimed Funds or Undistributable Funds under a Chapter 11 Liquidating Plan.*** A Chapter 11 liquidating plan shall provide for the disposition of unclaimed funds and undistributable funds. The plan may provide that any unclaimed funds or undistributable funds be redistributed to other creditors or administrative claimants, or be donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(b) ***Unclaimed Funds.*** Unclaimed funds are distributions to creditors left unclaimed 120 days after the final distribution under the plan.

(c) ***Undistributable Funds.*** Undistributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because: (1) a creditor has affirmatively rejected a distribution; (2) the administrative costs of distribution make distribution uneconomical; or (3) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

(d) ***Failure of Liquidating Plan to Provide for Disposition of Unclaimed Funds or Undistributable Funds.*** If a Chapter 11 liquidating plan does not provide for the disposition of unclaimed funds or undistributable funds, and if there are any such funds at the time of final distribution under the plan, the disbursing agent shall file a motion, upon notice and hearing, proposing disposition of such funds, including as described in paragraph (a) of this rule.

Notes of Advisory Committee

2013

This rule permits liquidating Chapter 11 plans to provide that unclaimed and undistributable funds be redistributed to other creditors or donated to a non-profit organization. This rule is effective July 1, 2013.

Rule 3022-1

FINAL REPORT/DECREE (Ch. 11)

(a) ***Non-Individual Debtors.*** Unless extended by the Court, on or before the later of thirty (30) days after the order of confirmation in a case under Chapter 11, or thirty (30) days after the disposition of all adversary proceedings, contested matters, and objections to claims, the debtor's attorney shall file a certificate of substantial consummation together with a motion for final decree.

(b) ***Individual Debtors.*** After the entry of an order of confirmation and the disposition of all adversary proceedings, contested matters, and objections to claims, individual debtors may file a motion to administratively close the Chapter 11 case. The debtor may move to reopen the case for the purpose of obtaining a discharge and entry of a final decree after the completion of all payments under the plan, or for the purpose of seeking a hardship discharge. In addition, the debtor, any creditor, or any other party in interest may file a motion to reopen an administratively closed case at any time without the necessity of paying a filing fee.

Notes of Advisory Committee

2013 Amendment

This amendment permits individual debtors, who, pursuant to 11 U.S.C. § 1141(d)(5), are not eligible to receive a discharge until the debtor has completed all payments under the plan or has obtained a hardship discharge, to obtain an order that administratively closes the case.

This amendment is effective July 1, 2013.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 3.06(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 3071-1

APPLICATIONS FOR ADMINISTRATIVE EXPENSES

All requests for administrative expenses pursuant to 11 U.S.C. § 503(b)(1) shall be made by application filed:

(a) In a Chapter 7 case:

(i) by the claims bar date; or

(ii) for administrative expenses arising from the use of premises by a trustee, within (30) days after the surrender of the premises from the trustee; or

(iii) within (30) days after the occurrence of the last event giving rise to the claim.

(b) In Chapter 11, 12, or 13 cases within:

(i) fourteen (14) days prior to the hearing on confirmation, or any continued hearing on confirmation; or

(ii) thirty (30) days after the occurrence of the last event giving rise to the claim.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.20. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART IV.

THE DEBTOR: DUTIES AND BENEFITS

Rule 4003-2

LIEN AVOIDANCE

A motion to avoid a lien or liens under 11 U.S.C. § 522(f) shall be filed and served in accordance with Fed. R. Bankr. P. 7004 and 9014 and may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided. The motion shall be verified or be accompanied with an affidavit and shall describe with specificity the nature of the lien, recording information, if applicable, and the property affected with legal description or itemization, as appropriate.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.12. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment is stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

PART V.
COURTS AND CLERKS

Rule 5001-1

UNAVAILABILITY OF ELECTRONIC FILING SYSTEM (“CM/ECF”)

[Abrogated]

Notes of Advisory Committee

2012

This rule was abrogated effective March 15, 2012. Its content has been incorporated in Local Rule 5001-2 “Clerk's Office Locations, Hours, and Procedures After-Hours Filing in Case of Emergency.” These amendments conform the Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of Practice and Procedure.

Rule 5001-2

CLERK'S OFFICE LOCATIONS, HOURS, AND PROCEDURES FOR AFTER-HOURS FILING IN CASE OF EMERGENCY

(a) ***Locations.*** The Clerk's offices, located in Tampa, Jacksonville, and Orlando, are open to the public during times posted on the Court's website at <http://www.flmb.uscourts.gov/locations/>. Access to the Court's online Case Management/Electronic Court Filing ("CM/ECF") system is generally available 24 hours a day, 7 days a week.

(b) ***After-Hours Filings in Cases of Emergency and by Non-Electronic Filing Users.*** If CM/ECF is inaccessible, an Electronic Filing User's system is inoperable, or an emergency requires the paper filing of a document to meet a filing deadline, the Court will permit the after-hours filing of paper documents by facsimile. Non-Electronic Filing Users are also permitted to file paper documents by facsimile after hours to meet filing deadlines.

(1) ***Faxing First Page and Signature Page.*** The first page and the signature page of petitions and other papers must be received by facsimile after 4:00 p.m. Eastern Standard Time and before 12:00 a.m. (midnight) Eastern Standard Time. Only the first page and the signature page of the document should be transmitted to the Court by facsimile.

(2) ***Where to Fax Documents.*** The pages must be transmitted to the Division assigned to handle the case. The facsimile machine telephone numbers can be found through the Court's website located at <http://www.flmb.uscourts.gov/procedures/documents/afterhoursfiling.pdf>.

(3) ***Untimely Filed Documents Discarded.*** Any document received by facsimile between the hours of 12:00 a.m. (midnight) and 4:00 p.m. will be discarded by the Clerk's Office.

(4) ***Requirement to Timely File Original Document.*** The original document together with any required fee must be received and time stamped by the Office of the Clerk of the Court in the Division in which the case is assigned, or must be filed electronically using CM/ECF, no later than 12:00 p.m. (noon) Eastern Standard Time on the Court's next business day.

(5) ***Date and Time Filed.*** Documents filed in accordance with the above procedures will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Office of the Clerk of Court in the Division in which the document is filed. Upon the timely receipt of the original document and any required filing fee, the Court will stamp the original document (or in the case of an electronically filed document, make an appropriate docket entry) with the following notation:

This document is deemed filed on _____ pursuant to Local Rule 5001-2 governing after-hours filing.

(6) ***Untimely Documents of No Force or Effect.*** If the original document is not timely received, the Clerk will note that fact and the facsimile will have no force or effect.

(7) ***Case Number Assignment.*** The Clerk's Office will not assign a case number to a bankruptcy petition or an adversary number to an adversary complaint until the original document is filed with the Court. The Clerk shall not acknowledge the filing of the document to any creditor or other party until the original is filed.

Notes of Advisory Committee

2012

This rule incorporates abrogated Local Rule 5001-1 "Unavailability of Electronic Filing System ("CM/ECF")" and archived Administrative Order FLMB-2003-2 "Order Prescribing Administrative Procedures for After-Hours Filing in the Bankruptcy Court, Middle District of Florida."

This rule is effective March 15, 2012.

Rule 5003-1

ELECTRONIC DOCUMENTS – ENTRY OF

(a) Electronic transmission of a document by an Electronic Filing User to CM/ECF consistent with these rules, together with the transmission of a Notice of Electronic Filing from the Court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Bankr. P. 5003.

(b) Documents filed electronically become the official record once transmission is complete per section (a) above. The Electronic Filing User is bound by the document as filed; Electronic Filing Users shall review the electronic images of electronic documents they file to ensure they do not contain any errors as a result of transmission problems and file an amended document as necessary to correct any errors with the document originally filed electronically. In addition, in the event that the Clerk notifies an Electronic Filing User that a previously electronically filed document contains an error, the Electronic Filing User shall take such steps as are necessary to correct the error within fourteen (14) days of receipt of the notice from the Clerk.

(c) A document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing from the Court. Filing a document electronically does not alter a filing deadline for that document. Filings must be completed before midnight Local Time of the Court to be considered timely filed that day.

(d) A document filed electronically that is required to be signed under penalty of perjury ("Verified Document"), or that requires an original signature other than the signature of the Electronic Filing User, shall be maintained in the originally signed and verified paper form by the Electronic Filing User for a period of four (4) years after the closing of the case or proceeding in which the document or paper is filed.

Notes of Advisory Committee

2004 Amendment

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This rule provides a "time of filing" rule that is analogous to the traditional method of file stamping documents by the Clerk's Office. A filing is deemed made when it is acknowledged by the Clerk's Office through the CM/ECF system's automatically generated Notice of Electronic Filing. This rule also makes it clear that electronically filed documents are considered to be entries on the official docket. Further, it requires an Electronic Filing User to retain an originally signed Verified Document for a period of four (4) years after the closing of a case or proceeding.

Rule 5003-2

COURT ORDERS – ENTRY OF

All orders, decrees, judgments, and proceedings of the Court will be filed in accordance with these rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Bankr. P. 5003 and 9021. The Clerk shall electronically scan all signed paper orders and judgments and convert them to electronic documents and enter them on the docket. Alternatively, a Judge may electronically sign an order or judgment in image form by affixing on the order or judgment: (1) in typeface "/s/" followed by the Judge's name; or (2) an electronic image of the Judge's actual signature. Any order signed and filed in this fashion has the same force and effect as if the Judge had affixed the Judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

Notes of Advisory Committee

2004 Amendment

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. With the advent of electronic filing, this rule addresses the electronic entry of court orders. This rule allows each judge of the court to determine the methods by which his or her electronic order will be "signed"; by signing the original paper order then instructing the Clerk to scan the order into CM/ECF, by "/s/" on the judge's signature line or by affixing by electronic means an "electronic signature" of the judge's own handwritten signature. Regardless of a judge's preferred method, the Clerk will be able to enter the order on the official docket and subsequently serve affected parties.

Rule 5003-3

COURT PAPERS -- REMOVAL OF

(a) No person shall insert or delete, tamper or deface, make any entry or correction by interlineation or otherwise, in, from or upon any file or other record of the Court unless expressly permitted or ordered to do so by the Court. No person other than the Clerk or authorized deputies or an official copy service shall unfasten any paper in any Court file.

(b) Any person may review in the Clerk's office Court files or other papers or records in the possession of the Clerk. Files may be removed from the Clerk's office only in emergency situations or as needed in connection with a related criminal or civil court proceeding upon written permission by the Clerk which shall specify the time within which the same shall be returned.

Notes of Advisory Committee

2004 Amendment

This rule was formerly Local Rule 5003-2.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.10(b) makes this rule consistent with actual practice. These amendments were effective on February 15, 1995.

Rule 5005-1

FILING BY ELECTRONIC MEANS

The Court shall permit documents and papers to be filed, signed, or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A document or paper filed by electronic means constitutes a written paper for the purpose of applying these rules, the Federal Rules of Bankruptcy Procedure, and §107 of the Code.

Notes of Advisory Committee

2004 Amendment

This addition is authorized by Rules 5005 and 7005 of the Federal Rules of Bankruptcy Procedure, and is occasioned by the implementation in the Middle District of Florida of the case management/electronic case filing system of the United States Courts.

Rule 5005-2

FILING OF PETITION AND OTHER PAPERS

(a) ***Attorneys Required to File via CM/ECF.*** Attorneys shall file petitions commencing cases under the Code, and the statement of financial affairs, schedules, statement of intentions, and list of equity security holders electronically via CM/ECF. The attorney shall maintain a copy of those papers, bearing the debtor's original signature, for four years after the closing of the case.

(b) ***Pro Se Debtors Shall File in Paper Form.*** Debtors who are not represented by attorneys shall file petitions commencing cases under the Code, and the statement of financial affairs, schedules, and statement of intentions in paper form containing the debtor's original signature.

(c) ***Petitions Received by Mail.*** Petitions received by the Clerk's Office via the United States Mail shall be stamped "Filed via Mail" and shall be deemed filed as of 10:00 a.m. Eastern Standard or Eastern Daylight Savings Time on the day received.

Notes of Advisory Committee

2013 Amendment

This amendment recognizes that the Clerk's Office no longer requires debtors filing in paper format to include a diskette or CD with copies of the petition and schedules.

This amendment is effective July 1, 2013.

2004 Amendment

This amendment recognizes that additional paper copies will become unnecessary since petitions are accessible by electronic means. This rule also obviates the need for the U.S. Trustee, Chapter 13 Trustee, Chapter 7 Trustees to receive paper copies of petitions from Electronic Filing Users because each of these entities will have access to examine petitions via PACER under the CM/ECF system. Further, this amendment requires petitions, statement of financial affairs, schedules, statement of intentions and list of equity security holders filed by attorneys to be submitted in an electronic format.

2000 Amendment

This amendment deletes the requirement, contained in paragraph (c), that debtors provide to the Clerk service copies for all creditors of their Chapter 13 plans. Under practices that have developed in the Court, either the debtors or the Chapter 13 trustee serves the plans on creditors.

The Clerk does not. The Clerk, therefore, has no need for service copies. This amendment simply harmonizes the rule with the practice.

This amendment was effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Paragraphs (a), (b), and (c) of this rule were formerly paragraphs (a), (b), and (d) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5005-3

FILING PAPERS -- SIZE OF PAPERS

Paper pleadings and other submissions and proposed orders and other papers, including attachments thereto, tendered for filing shall be typewritten, or if produced by computer generated software, shall be printed by letter quality printers, shall be singled-sided, void of tabs, and shall be on white paper approximately eight and one-half inches wide by eleven inches long, with one and one-fourth inch margins. The Clerk shall convert any filed paper document to an electronic format by an electronic scanning process. The Clerk shall retain all scanned paper documents for a period of sixty (60) days for quality control purposes. The Clerk shall destroy or discard such documents after the expiration of such time period. A person filing a paper document is responsible for ascertaining that the electronic document is an accurate readable image of the paper document. In the event the Clerk notifies a person filing a paper document that it does not conform to this rule, the person shall take such steps as are necessary to correct the error within fourteen (14) days of receipt of the notice from the Clerk. If the filing party fails to correct the deficiency within fourteen (14) days, the Court may enter an order striking the document without further notice or hearing. Pleadings and other submissions made by electronic means when printed copies are generated shall conform to these standards.

Notes of Advisory Committee

2004 Amendment

This amendment recognizes that most documents produced for filing with the Court are done with the use of computers and is made simply for technical clarification. Documents originally submitted in electronic form shall conform to these standards when reduced to "hard copy" form. Clarifying these standards will also assist the Clerk when scanning paper documents into CM/ECF to preserve in electronic form because it will ensure legible quality images of the paper document.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.02(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5005-4

SEALED DOCUMENTS

Papers may be filed under seal only on such terms and conditions as the Court may order. Papers ordered to be filed under seal shall be filed in paper form, not electronically, unless specifically authorized by the Court. A paper copy of the order allowing the paper to be filed under seal must be attached to the paper and delivered to the Clerk. The Clerk shall seal the paper in a manila envelope, with initials or a signature written across the envelope closure and tape placed on top of the signature to provide additional security.

Notes of Advisory Committee

2004 Amendment

This new rule sets out that sealed documents must remain in paper form and not made part of CM/ECF. It also instructs the Clerk on maintenance of sealed documents.

Rule 5011-1

WITHDRAWAL OF REFERENCE

(a) *Briefing requirements; generally.*

(1) Every written (i) motion for withdrawal of the reference of a case or proceeding pursuant to 28 U.S.C. § 157(b)(5) or (d), (ii) response thereto, and (iii) any other motion, application, objection, or response that statute, the Federal Rules of Bankruptcy Procedure, these rules, an order, or the circumstances require be filed with the Clerk of this Court, but be heard and determined by the District Court, shall be accompanied upon filing and service by a legal memorandum with citation of authorities in support of, or in opposition to, the relief requested.

(2) Absent prior permission of the District Court, no party shall file any legal memorandum in excess of twenty (20) pages in length.

(3) The motions and matters within the scope of this rule shall not be deemed complete for purposes of transmittal to the Clerk of the District Court for hearing and determination until the parties have complied with the briefing requirements of this rule.

(b) *Motions for withdrawal of the reference; special provisions.*

(1) A motion for withdrawal, in whole or in part, of the reference of a case shall be filed with the Clerk not later than twenty-one (21) days after the date of the notice of the meeting of creditors mandated by 11 U.S.C. § 341 and Fed. R. Bankr. P. 2003(a). Parties in interest without notice or without actual knowledge of the pendency of the case may file a motion for withdrawal of the reference not later than twenty-one (21) days after having acquired actual knowledge of the pendency of the case.

(2) A motion for withdrawal of the reference of a proceeding or contested matter arising in, under or related to a case that is a subject of the Order of General Reference must be filed with the Clerk not later than thirty (30) days after the filing of the initial pleading or other paper commencing the proceeding or contested matter. The United States or an officer

or agency thereof shall file a motion for withdrawal of the reference no later than thirty-five (35) days after the filing of the initial pleading or other paper commencing the proceeding or contested matter. A motion for withdrawal of a proceeding or contested matter must specifically identify the proceeding or contested matter to be withdrawn, setting forth the exact style, title and adversary number, where applicable.

(3) A motion for withdrawal of a proceeding or contested matter shall be served together with a legal memorandum on counsel of record for all parties to the proceeding or contested matter or, if a party has no counsel, on the party, and on counsel of record for the debtor, the debtor, and the United States Trustee. The opposing parties shall have fourteen (14) days after the entry of the motion on the docket to file a responsive pleading and legal memorandum with the Clerk.

(4) After expiration of the time allowed for a response, the Clerk shall transmit to the Clerk of the District Court copies of the motion and legal memorandum, response and legal memorandum, if any, and such other pleadings as the parties request in the motion and in the response, if any.

(5) Until and unless the Court or the District Court orders otherwise, the Court shall continue to hear the case or proceeding while the motion for withdrawal is under consideration in the District Court.

(6) Upon entry of an order by the District Court withdrawing the reference, the Clerk shall forward a copy of the entire case file or proceeding file to the Clerk of the District Court.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference

of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.05 to delete the term "brief" when used in conjunction with "legal memorandum" as redundant is stylistic as is the addition of term "contested matter" where the term "proceeding" is used. No substantive change is intended.

Local Rule 1.05 (b) (2) has been amended to specify that a motion for withdrawal of a proceeding or contested matter must be filed with the Clerk not later than thirty (30) days, or thirty-five (35) days in the case of the federal government, after the filing of the initial pleading or other paper commencing the proceeding or contested matter. In adversary proceedings, this corresponds to the time an answer or motion is due pursuant to Fed. R. Bankr. P. 7012(a). The amendment makes clear that motions to withdraw the reference of contested matters must be filed within the same period despite the inapplicability of Fed. R. Bankr. P. 7012 to contested matter.

Local Rule 1.05 (b) (3) has been amended to specify that a motion for withdrawal of a proceeding or contested matter shall be served on all parties to the proceeding or contested matter or, if a party has no counsel, on the party, in addition to counsel of record for the debtor, the debtor, and the United States Trustee.

These amendments were effective on February 15, 1995.

1993 Amendment

This amendment added a requirement for the filing of briefs or legal memoranda in certain circumstances to harmonize the practice in the Bankruptcy Court with the practice in the District Court and to facilitate the hearing and determination in the District Court of motions for withdrawal of the

reference, objections to proposed findings of fact and conclusions of law in non-core proceedings, and other motions, applications, objections, and the like that are filed in the Bankruptcy Court but heard and determined in the District Court. The amendment was effective August 15, 1993.

Rule 5011-2

ABSTENTION

A motion to abstain from a case or proceeding under either 11 U.S.C. § 305 or 28 U.S.C. § 1334(c) shall be filed with the Clerk not later than the time set for filing a motion to withdraw the reference pursuant to Local Rule 5011-1 of these rules; provided, however, a motion to abstain from hearing a removed proceeding arising in, under or related to a case subject to the Order of General Reference (District Court Order 84-MISC-152) shall be timely if filed not later than twenty-one (21) days following the filing of the notice of removal of the proceeding pursuant to 28 U.S.C. § 1452.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.06 is stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

Rule 5071-1

CONTINUANCE

(a) No trial, hearing or other proceeding shall be continued upon stipulation of counsel alone, but a continuance may be allowed by order of the Court for good cause shown.

(b) All motions for continuance should set forth the date and time of the hearing to be continued, the amount of time requested to elapse before the matter is to be rescheduled and the reasons therefor, the reasons for the continuance, a statement that the movant has conferred with counsel for opposing parties concerning the requested continuance, and the position of other parties concerning the motion for continuance.

(c) Counsel should submit a proposed order with the motion containing blank spaces for the Clerk to enter dates for the continued hearing.

(d) All requests for continuances of meetings scheduled pursuant to 11 U.S.C. § 341 shall be directed to the U.S. Trustee.

(e) Absent unusual circumstances, all motions for continuance of trials or lengthy hearings of one hour or more must be filed at least three (3) weeks prior to the scheduled trial or hearing, and all motions for continuance of hearings of lesser duration must be filed at least two (2) weeks prior to the scheduled hearing.

(f) No hearing for which all creditors have received notice may be cancelled. In the event that a matter has been settled in the advance of such a hearing, it will still be called for hearing.

(g) On a hearing on a motion for relief from the automatic stay, a continuance will only be granted if the party seeking relief from the automatic stay waives the time limitations set forth in 11 U.S.C. § 362(e).

(h) All hearings may be continued from time to time by announcement made in open Court without further written notice.

Notes of Advisory Committee

2004 Amendment

This amendment 5071-1(c) deletes the requirement to submit copies and self-addressed stamped envelopes since the Court can serve order via BNC.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.08(a) through (h). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5072-1

COURTROOM DECORUM

(a) The purpose of this rule is to state, for the guidance of those heretofore unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive; and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Rules of Professional Conduct or the time honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements; or may excuse compliance with any one or more of the provisions of this rule.

(b) When appearing in this Court, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) shall abide by the following:

- (1) Stand as Court is opened, recessed or adjourned.
- (2) Stand when addressing, or being addressed by the Court.
- (3) Stand at the lectern while examining any witness; except that counsel may approach the Clerk's desk or the witness for purposes of handling or tendering exhibits.
- (4) Stand at the lectern while making opening statements or closing arguments.
- (5) Address all remarks to the Court, not to opposing counsel.
- (6) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (7) Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
- (8) Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections,

if any, during direct examination shall be the attorney recognized for cross examination.

(9) Counsel should request permission before approaching the bench; and any documents counsel wish to have the Court examine should be handed to the Clerk.

(10) Any paper or exhibit not previously marked for identification (see Local Rule 9070-1) should first be handed to the Clerk to be marked before it is tendered to a witness for examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(11) In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

(12) In examining a witness, counsel shall not repeat or echo the answer given by the witness.

(13) In a case tried before a jury, offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(14) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue; shall not read or purport to read from deposition or trial transcripts, and shall not suggest to the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

(15) Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited.

(16) The proceedings of the Court are serious and dignified. All persons appearing in Court should therefore dress in appropriate business attire consistent with their financial abilities. Among other things, a coat and tie are appropriate for a man; a dress or pants suit is appropriate for a woman.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.22. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5073-1

PHOTOGRAPHS; BROADCASTING OR TELEVISIONING; USE OF COMPUTERS AND COMMUNICATION DEVICES

Rule 4.11 of the Local Rules of the United States District Court for the Middle District of Florida applies in the Court in all cases under Title 11 and in all civil proceedings arising under Title 11, or arising in or related to cases under Title 11.

Notes of Advisory Committee

1998 Amendment

The local rules of the District Court generally do not apply in the Bankruptcy Court. See Local Rule 1001-1(d). In most instances within the District, the Bankruptcy Court's facilities are now located in the same federal courthouse in which the District Court's facilities are located. It is therefore desirable to have the same rules apply in both the District Court and the Bankruptcy Court that govern the photographing, broadcasting, and televising of court proceedings, the use of computers and communication devices in court facilities, and the introduction of such equipment and devices into the building in which court proceedings are conducted. Accordingly, this amendment simply deletes the Bankruptcy Court's rule on these subjects and applies in the Bankruptcy Court the provisions of the District Court's corresponding local rule.

The text of the District Court's local rule presently is as follows:

RULE 4.11 PHOTOGRAPHS; BROADCASTING OR TELEVISIONING; USE OF COMPUTERS AND COMMUNICATION DEVICES

(a)(1) As approved by the Judicial Conference of the United States at its March, 1979 meeting, the taking of photographs and the recording or taping of ceremonies for the investing of judicial officers and of

naturalization proceedings and the possession of necessary equipment therefor is authorized in courtrooms of this Court and the environs thereof. At least three (3) hours prior notice of the use of recording or television equipment shall be given to the presiding judge who may control the placement of such equipment in the courtroom.

(a) (2) Otherwise, the taking of photographs, the operation of recording or transmission devices, and the broadcasting or televising of proceedings in any courtroom or hearing room of this Court, or the environs thereof, either while the Court is in session or at recesses between sessions when Court officials, attorneys, jurors, witnesses or other persons connected with judicial proceedings of any kind are present, are prohibited.

(b) In order to facilitate the enforcement of subsection (a) (2) of this rule, no photographic, broadcasting, television, sound or recording equipment of any kind (except that of Court personnel and as authorized by subsection (a) (1) hereof) will be permitted in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as is designated by the resident judges of the Division in which such building is located. Such designation shall be made by order, filed in the office of the Clerk in such division. Except that of Court personnel, cellular telephones and computer equipment are likewise prohibited in that part of any building where federal judicial proceedings of any kind are usually conducted in this District, as designated by the resident judges in the manner set forth in the preceding sentence, unless otherwise permitted by the judicial officer before whom the particular case or proceeding is pending. This rule does not prohibit the possession of telephonic pagers in such locations, provided that such pagers

are either switched off or placed in a silent activation mode while in such locations.

(c) Employees of other federal agencies resident within the security perimeters of buildings in this District housing federal courts or proceedings, with valid agency identification, are permitted to transport any of the equipment identified above through security checkpoints for the purpose of using same, in their official capacities, within areas of such buildings not covered by subsection (b) of this rule. Said equipment shall be subject to inspection by the United States Marshals Service.

This amendment was effective on October 15, 1998.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment which adds new subparagraph 1.09(c) makes clear that the prohibition of recording and photographic equipment is not intended to prohibit the use of dictation equipment in conjunction with the review of the Clerk's Office files or the use of computer equipment, subject to Court control, generally.

These amendments were effective on February 15, 1995.

PART VI.

COLLECTION AND LIQUIDATION OF THE ESTATE

Rule 6004-1

SALE OF ESTATE PROPERTY

As to all sales by a trustee in a Chapter 7 case other than a sale free and clear of liens under 11 U.S.C. § 363(f), the trustee may sell property of the estate under 11 U.S.C. § 363(b) without order of the Court provided that the trustee complies with the following requirements:

(a) The trustee shall file a report and notice of intention to sell property of the estate without further notice of hearing stating that, if no objection or request for hearing is filed and served within twenty-one (21) days of the date of the report and notice, the specified property will be sold without further hearing or notice.

(b) The report and notice shall be served on all creditors in compliance with Fed. R. Bankr. P. 2002 and Local Rule 2002-1 with proof of service filed in accordance with the provisions of Local Rule 7005-1.

(c) If no objection or request for hearing is filed and served within twenty-one (21) days from the date of the report and notice, then the trustee may sell the property without further notice or hearing.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 6004-1(b), adds a provision permitting Electronic Filing Users

the ability to complete service of pleadings by electronic means.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.21. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART VII.

ADVERSARY PROCEEDINGS

Rule 7005-1

PROOF OF SERVICE

Whenever proof of service is required by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court (other than proof of initial service required to be made pursuant to Fed. R. Bankr. P. 9014 or 7004), the proof shall take the following form:

(a) If made by an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the attorney may make a certificate of service stating the date and manner of service and the name and address of the person served, certified by the signature of the attorney who made the service.

(b) If made by a person other than an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the non-attorney shall make a statement under penalty of perjury stating the date and manner of service and the name and address of the person served, signed and sworn to by the non-attorney who made the service and including the non-attorney's name, address, and relation to the party on whose behalf the service is made.

(c) Where a reference is made to service on a group such as "to all creditors on the matrix," the proof of service shall attach a copy of the list or mailing matrix used. The matrix shall be one obtained from the Clerk within seven (7) days before the date of service or from the Court's electronic filing system.

(d) The proof of service shall refer to the pleading or other paper being served and shall affirmatively reflect the service of any exhibits thereto.

(e) Proof of service may appear on or be affixed to the paper served or it may be separately filed. In either event,

the proof of service shall be filed promptly after the making of the service.

(f) Proof of service made in accordance with the provisions of this rule shall be taken as *prima facie* proof of service.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, it permits a party to print a mailing matrix directly from CM/ECF.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.19(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The term "proof of service" has been substituted for the term "certificate of service" consistently throughout these amendments when proof of service is required. Amended paragraph (a) establishes the manner in which that proof is to be made. Amended paragraphs (a)(1) and (a)(2) provide that attorneys appearing in a case or proceeding may make proof of service by filing a certificate of service while all others must file a statement under penalty of perjury. This carries forward the intent of former paragraph (g) as to permitting only attorneys to file certificates of service. It also clarifies that non-attorneys may make proof of service if they do so under oath.

The provisions of subparagraph (a)(1) allowing attorneys to make certificates of service do not apply to proof of initial service of contested matters and adversary proceedings required to be made pursuant to Fed. R. Bankr. P. 9014 or 7004. The requirements for proof of this initial service are included in Fed. R. Bankr. P. 7004 itself. Specifically, Fed. R. Bankr. P. 7004(a) and (g) apply Fed. R. Civ. P. 4(g) in effect on January 1, 1990. Among other things, that rule requires that proof of such initial service shall be made by affidavit unless the person making the service is a United States marshal or deputy marshal.

Subparagraph (a)(3) is former paragraph (b) with the new requirement that the matrix used with a proof of service shall be a current one obtained from the Clerk.

Subparagraph (a)(4) is former paragraph (h) with minor modifications.

Subparagraphs (a)(5) and (a)(6) are new, but are consistent with better practice and the requirements of other rules, such as Fed. R. App. P. 25(d) and Fla. R. Civ. P. 1.080(f).

Other amendments are clarifying or are required by the restructuring of the rule described above.

These amendments were effective on February 15, 1995.

Rule 7005-2

FILING OF DISCOVERY MATERIAL

[Abrogated]

Notes of Advisory Committee

2000 Amendment

The Court's local rules may not conflict with or duplicate the Federal Rules of Bankruptcy Procedure. See Fed. R. Bankr. P. 9029(a)(1). This amendment deletes the provisions of this rule that prohibited the filing of discovery materials until they are used in a proceeding or matter. The deletion is required because the December 1, 2000, amendments to Fed. R. Civ. P. 5(d) provide that disclosures under Rule 26(a)(1) and (2) and discovery requests and responses under Rules 30, 31, 33, 34, and 36 must not be filed until they are used in the action. Disclosures under Rule 26(a)(3), however, are to be filed with the Court.

Pursuant to Fed. R. Bankr. P. 7005, Fed. R. Civ. P. 5 applies in adversary proceedings. Pursuant to Local Rule 9014-1, Fed. R. Civ. P. 5(a)-(d) applies in contested matters. Thus, disclosures and discovery materials in adversary proceedings and contested matters are to be filed -- or not filed -- as provided in Fed. R. Civ. P. 5(d).

This amendment was effective on December 1, 2000.

Rule 7005-3

SERVICE BY ELECTRONIC MEANS UNDER RULE 5(b)(2)(E)

A party may make service under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure through the Court's electronic transmission facilities if the party being served is an Electronic Filing User or otherwise consents in writing to electronic service.

Notes of Advisory Committee

2004 Amendment

This addition is authorized by Rule 5(b)(2)(D) (now Fed. R. Civ. P. 5(b)(2)(E)) of the Federal Rules of Civil Procedure, which is incorporated by Rule 7005 into the Federal Rules of Bankruptcy Procedure, and it is occasioned by the implementation in the Middle District of Florida of the case management/electronic case filing system of the United States Courts.

Rule 7026-1

DISCOVERY -- GENERAL

(a) Unless otherwise ordered by the Court, the conference of the parties required by Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(f) shall occur as soon as practicable and in any event at least seven (7) days before a scheduling conference is held or a scheduling order is due under Fed. R. Bankr. P. 7016 and Fed. R. Civ. P. 16(b).

(b) Unless otherwise ordered by the Court, the report outlining the discovery plan required by Fed. R. Bankr. P. 7026 and Fed. R. Civ. P. 26(f) need not be in writing and filed. It is sufficient if the report is made orally at the scheduling conference.

(c) For the guidance of counsel in preparing or opposing contemplated motions for a protective order pursuant to Fed. R. Bankr. P. 7026 related to the place of taking a party litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a nonresident plaintiff or moving party may reasonably be deposed at least once in this District during the discovery stages of the case; and that a nonresident defendant or respondent who intends to be present in person at trial or evidentiary hearing may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial or evidentiary hearing as the circumstances seem to suggest. A nonresident, within the meaning of this rule, is a person residing outside the State of Florida.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

2000 Amendment

This amendment is made necessary by the December 1, 2000, amendments to the Federal Rules of Civil Procedure.

Under Fed. R. Bankr. P. 7026, Fed. R. Civ. P. 26 applies in adversary proceedings. Under Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 also applies in contested matters. Fed. R. Bankr. P. 9029(a)(1) further provides that the Court's local rules may not be inconsistent with the Federal Rules of Bankruptcy Procedure.

The December 1, 2000, amendments to Fed. R. Civ. P. 26 eliminate the provisions of that rule that permit courts to "opt out" of certain of its provisions that became effective on December 1, 1993. The Court is required, therefore, to rescind the provisions of its local rules by which it "opted out" of the mandatory disclosure and conference requirements contained in Fed. R. Civ. P. 26(a)(1)-(3) and (f). These "opt out" provisions are presently contained in paragraphs (a) and (b) of this Local Rule. Because of these required rescissions, the Court is also required to rescind the initiation of discovery provisions contained in paragraph (c) of this Local Rule.

As a consequence of this amendment, the provisions of Fed. R. Civ. P. 26 are fully applicable in adversary proceedings in the Court, although the terms of the rule set forth circumstances in which the parties may stipulate or the Court may order variations in individual cases. The Court may not do so, however, by local rule or standing order. Thus, the disclosures required by Fed. R. Civ. P. 26(a)(1) through (3) are generally applicable in adversary proceedings; the parties must meet as required by Fed. R. Civ. P. 26(f); and, pursuant to Fed. R. Civ. P. 26(d), the parties may not seek discovery before the parties have conferred as required by Fed. R. Civ. P. 26(f).

Pursuant to Fed. R. Bankr. P. 7005 and Fed. R. Civ. P. 5(d), the parties may not file with the Court the disclosures required by Fed. R. Civ. P. 26(a)(1) and (2) until they are used in the proceeding. The parties must file, however, the disclosures required by Fed. R. Civ. P. 26(a)(3).

Pursuant to Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 applies in contested matters "unless the court otherwise directs." Thus, the Court retains the ability to direct by local rule that only portions of Fed. R. Bankr. P. 7026 apply in contested matters. The Court has therefore contemporaneously promulgated new Local Rule 9014-2 that applies Fed. R. Bankr. P. 7026 to contested matters only to the extent permitted before this amendment to this Local Rule. Under Local Rule 9014-2, therefore, the mandatory disclosure provisions of Fed. R. Civ. P. 26(a)(1)-(3) do not apply in contested matters, the parties

are not required to confer as set forth in Fed. R. Civ. P. 26(f), and the parties may immediately seek discovery. Of course, the Court may direct the application of these Rule 26 provisions by specific order, and the parties may agree that they apply.

"If necessary to comply with [the Court's] expedited schedule for Rule 16(b) conferences," Fed. R. Civ. P. 26(f) does permit the Court to make local rules as to certain matters related to the Rule 26(f) conference and the discovery plan. Unlike the timing and pace of litigation in civil actions in the district court, litigation in adversary proceedings in the bankruptcy court is handled on an expedited basis. In the new provisions of this Local Rule appearing as new paragraphs (a) and (b), therefore, the Court exercises this discretion in the manner the Committee believes is appropriate. The Court, of course, can vary these times by individual order.

The last paragraph of this Local Rule is relettered to reflect the rescission of old paragraphs (a) through (c) and the substitution of new paragraphs (a) and (b).

This amendment was effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraphs (a) through (c) of this rule were formerly paragraphs (a) through (c) of Local Rule 2.15. Paragraph (d) of this rule was formerly Local Rule 2.16(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment Introduction

This rule is amended to reflect the Advisory Committee's judgment as to the desirability of applying the December 1, 1993, amendments to the Federal Rules of Civil Procedure to

contested matters and adversary proceedings and to make other desirable technical changes.

The December 1, 1993, amendments to the Federal Rules of Civil Procedure greatly affect practice in contested matters and in adversary proceedings. Fed. R. Bankr. P. 7016, 7026, 7030, 7031, and 7033 extend the application of Fed. R. Civ. P. 16, 26, 30, 31 and 33 to adversary proceedings. In addition, unless the Court otherwise directs, Fed. R. Bankr. P. 9014 extends the application of Fed. R. Civ. P. 26, 30, 31, and 33 to contested matters pursuant to Fed. R. Bankr. P. 7026, 7030, 7031 and 7033. Although the Advisory Committee deems certain of the December 1, 1993, amendments to be desirable and beneficial to practice in contested matters and adversary proceedings in this Court, it believes that other of the amendments may not be practically or beneficially implemented. The Advisory Committee therefore intends here that the Court "opt out" of certain of these amendments to the Federal Rules of Civil Procedures as they are made applicable to contested matters and adversary proceedings.

Disclosure and Meeting of Counsel

Fed. R. Civ. P. 26(a)(1-4) now mandates the disclosure of certain relevant information. Paragraph (a) of Local Rule 2.15 therefore provides that these new disclosure requirements apply to contested matters and adversary proceedings only if the parties agree or if the Court orders that some or all of the disclosure requirements apply. Fed. R. Civ. P. 26(f) now requires a meeting of the parties and the filing of a proposed discovery plan within certain prescribed time limits. Paragraph (b) of Local Rule 2.15 therefore provides that these meetings and reporting requirements apply in contested matters and in adversary proceedings only upon the agreement of the parties or upon order of the Court.

Initiation of Discovery

Fed. R. Civ. P. 26(d), 30(a)(2)(C), 31(a)(2)(C), 33(a), 34(b), and 36(a) now generally preclude the initiation of any method of discovery until after the parties meet as required by Fed. R. Civ. P. 26(f), unless the parties agree or the Court otherwise orders. Because the Court has eliminated, in paragraph (b), the meeting of the parties requirement of Fed. R. Civ. P. 26(f) unless the Court specifically orders its application, paragraph (c) provides that the parties may initiate discovery immediately after service of the motion or

other paper initiating contested matters and the summons and complaint in adversary proceedings. If the Court orders the application of the meeting of the parties requirement of Fed. R. Civ. P. 26(f), however, the early initiation of discovery authorized in paragraph (c) would not apply and the parties would be precluded from initiating discovery until after the Fed. R. Civ. P. 26(f) meeting unless they agreed or the Court orders to the contrary. Paragraph (c) also continues the meaning and the intent of former Rule 2.14 as to depositions upon oral examination.

These amendments were effective on February 15, 1995.

Rule 7030-1

DEPOSITIONS UPON ORAL EXAMINATION

Unless the Court orders otherwise, depositions upon oral examination of any person may be noticed on no less than fourteen (14) days' notice in writing to every other party to the contested matter or adversary proceeding and to the deponent.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.15(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Paragraph (d) continues the policy of former Rule 2.14 that depositions be noticed on no less than ten days written notice.

Fed. R. Civ. P. 30(a)(2)(A) and Fed. R. Civ. P. 31(a)(2)(A) now limit to a total of ten the number of depositions upon oral examination and written questions unless the Court authorizes or the parties stipulate to a greater number. The Advisory Committee believes this to be the appropriate presumptive number of depositions in contested matters and adversary proceedings, and the Advisory Committee therefore has not proposed an amendment setting a different presumptive number.

These amendments were effective on February 15, 1995.

Rule 7033-1

INTERROGATORIES TO PARTIES

Written interrogatories shall be so prepared and arranged that a blank space shall be provided after each separately numbered interrogatory. The space shall be reasonably calculated to enable the answering party to insert the answer within the space. The original of the written interrogatories and a copy shall be served on the party to whom the interrogatories are directed, and copies on all other parties. The answering party shall use the original of the written interrogatories for the answers and objections, if any; and the original shall be returned to the party propounding the interrogatories with copies served upon all other parties.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule is derived from Local Rule 2.15(e) and (f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Fed. R. Civ. P. 33(a) now limits each party to 25 written interrogatories including all discreet subparts unless, by order of the Court or written stipulation, a greater number is authorized. The Advisory Committee agrees that this is the appropriate presumptive number of interrogatories in contested matters and in adversary proceedings. As a consequence, the Advisory Committee has deleted the provisions of former paragraph (a) that allowed 50 written interrogatories.

These amendments were effective on February 15, 1995.

Paragraphs (e) and (f) are former paragraphs (b) and (c) without substantial change. They continue the manner in which interrogatories are to be prepared, served, and answered.

Rule 7037-1

FAILURE TO MAKE DISCOVERY: MOTIONS TO COMPEL DISCOVERY

Motions to compel discovery pursuant to Fed. R. Bankr. P. 7037 shall quote in full (1) each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed; (2) the objection and grounds therefor as stated by the opposing party; and (3) the reasons such objections should be overruled and the motion granted.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.16(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Former subparagraph (a) required that motions to compel discovery or for protective order contain a certificate of counsel's failed good faith efforts to resolve the dispute amicably. Substantially identical requirements now appear in Fed. R. Civ. P. 26(c) and 37(a)(2)(A) and are applicable to adversary proceedings and contested matter through Fed. R. Bankr. P. 7026, 7037, and 9014. The provisions of former subparagraph (a) are therefore deleted as redundant.

These amendments were effective February 15, 1995.

Rule 7054-1

COSTS -- TAXATION/PAYMENT; ATTORNEY'S FEES

In accordance with Fed. R. Bankr. P. 7054, all claims for taxable costs or attorney's fees in contested matters and in adversary proceedings that are preserved by appropriate pleading or pretrial stipulation shall be asserted by separate bill of costs or motion, as appropriate, filed not later than fourteen (14) days following entry of judgment. The pendency of an appeal from the judgment shall not postpone the filing of a timely application pursuant to this rule.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.24. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is new. It is derived from District Court Local Rule 4.18 with appropriate modification for bankruptcy practice.

These amendments were effective February 15, 1995.

Rule 7055-2

JUDGMENTS BY DEFAULT

(a) When a party seeks a default judgment as a result of a defendant's failure to respond after being served with a summons and complaint, if otherwise appropriate, the Court may enter a default judgment upon being provided with the following:

(1) Motion for entry of default.

(2) Proposed entry of default.

(3) Motion for judgment by default. Attached to the motion shall be an affidavit in support of the allegation set forth in the complaint.

(4) Affidavit of non-military service (where applicable).

(5) Proposed order granting motion for judgment by default.

(6) Proposed judgment.

(b) If no responsive pleading has been filed by the time of the pretrial conference conducted in an adversary proceeding, counsel for the plaintiff shall, if not previously filed, furnish the Court with the foregoing at the time of the pretrial conference for disposition as may be appropriate under the circumstances.

(c) The motion for entry of default shall state that service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure, that no extension of time was sought or obtained by the defendant, that the defendant failed to file a responsive pleading or motion within the time specified and that the movant seeks an entry of default.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendments to Local Rule 2.09(a) and (c) are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.

Rule 7067-1

REGISTRY FUND

(a) In accordance with Fed. R. Bankr. P. 7067, the Clerk shall maintain an interest-bearing registry account ("Registry Fund"). Any party wishing to deposit funds into the Registry Fund may do so only upon order of the Court and notice to every other interested party. The party seeking to make the deposit shall serve a copy of the signed order upon the Clerk of Court, and/or the Financial Administrator for the United States Bankruptcy Court, Middle District of Florida. Upon receipt of the signed order, the Clerk of Court shall cause the funds to be deposited into the Registry Fund pursuant to 28 U.S.C. § 2041. The Clerk of Court and members of his staff are not required to comply with the deposit request if the party seeking to make the deposit fails to make service in accordance with this Local Rule.

(b) In accordance with 28 U.S.C. § 2042, no funds deposited in the Registry Fund shall be withdrawn except by order of the Court. The Clerk shall deduct from any interest paid on the Registry Fund a registry fee as authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office. This fee shall be deducted upon release of the funds.

Notes of Advisory Committee

2004 Amendment

This amendment sets out how parties can place funds in the registry of the court and what steps are needed to withdraw funds from the registry of the court.

PART VIII.

**APPEALS TO DISTRICT COURT
OR BANKRUPTCY APPELLATE PANEL**

Rule 8001-1

NOTICE OF APPEAL

A notice of appeal or motion for leave to appeal shall be filed in accordance with Fed. R. Bankr. P. 8001 and shall be accompanied by an appeal cover sheet. The appeal cover sheet form is available on the Court's Internet website, www.flmb.uscourts.gov.

Notes of Advisory Committee

2013 Amendment

This amendment provides information regarding the availability of the appeal cover sheet on the Court's website.

This amendment is effective July 1, 2013.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 4.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 8006-1

DESIGNATION OF RECORD – APPEAL

[Abrogated]

Notes of Advisory Committee

2013

This rule was superseded by Rule 8007-1 effective July 1, 2013.

Rule 8007-1

COMPLETION OF RECORD -- APPEAL

(a) ***Requests for Transcripts.*** A transcript purchase order form, available on the Court's website, www.flmb.uscourts.gov, shall accompany a request for transcript filed pursuant to Fed. R. Bankr. P. 8007.

(b) ***Transmission of Record on Appeal.*** Upon the filing of a designation of the items to be included in the record on appeal, the Clerk shall electronically transmit the designated items to the United States District Court.

Notes of Advisory Committee

2013

This new rule supersedes abrogated Local Rule 8006-1 to (a) conform the Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure, and (b) to recognize the implementation of a CM/ECF system by the United States District Court for the Middle District of Florida.

This rule is effective July 1, 2013.

PART IX.

GENERAL PROVISIONS

Rule 9001-1

DEFINITIONS

(a) The definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 shall also apply in these rules.

(b) The following words and phrases used in these rules have the meaning indicated:

(1) "Electronic Filing User" means an attorney or other entity given a court-issued login and password, thereby giving authority to file, provide and receive service of documents by electronic means.

(2) "Electronic Transmission" or "E-mail" means delivery of pleadings or other documents through electronic communication, to be filed with the court or to be served on creditors or other parties in interest.

(3) "File" or "Filed" means the legal receipt of documents by the court; by paper, acknowledged by date stamp affixed to the paper by the Clerk or Judge; or by electronic transmission, acknowledged by the date verified by the Court's electronic filing system, CM/ECF.

(4) "Electronic Means" or "Electronic Methods" means a non-paper system of delivering documents to and from the Court and to and from attorneys and other parties, the original form of which may also be electronic. Such systems include the use of facsimile machines, Internet e-mail systems, and the Court's electronic filing system, CM/ECF.

(5) "Notice of Electronic Filing" means an electronic document produced by CM/ECF which certifies each filing with the Court.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment adds definitions for new words and phrases created in these local rules specifically because of the newly implemented electronic filing system, CM/ECF.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.01(e). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9004-2

CAPTION -- PAPERS, GENERAL

(a) All petitions, pleadings, motions, briefs, applications and orders tendered for filing shall contain on the first page a caption as in the Official Forms and in addition shall state in the title the name and designation of the party (e.g., Debtor, Creditor..., Plaintiff, Defendant, or the like) on whose behalf the paper is submitted, and a title descriptive of its contents.

(b) If demand for jury trial is contained within a pleading, the title of the pleading shall include the words "Demand For Jury Trial" or the equivalent.

(c) If a pleading contains a prayer for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the pleadings shall include the words "Injunctive Relief Sought" or the equivalent.

(d) If a motion or pleading requests an emergency hearing, the title of the motion or pleading shall include the words "Emergency Hearing Requested" or the equivalent. Emergency hearings shall only be held where direct, immediate and substantial harm will occur to the interest of an entity in property, to the bankruptcy estate, or to the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of any dispute. An emergency motion will not be acted upon or set for an emergency hearing without completion and filing of a Certificate of Necessity of Request for Emergency Hearing in the form available from the Clerk's office setting forth sufficient facts justifying the need for an emergency hearing.

(e) If a filed pleading or other submission is in support of or opposition to a matter calendared for hearing, the hearing date and time shall be placed beneath the case number.

(f) A motion, application, or objection shall include a statement of the estimated total time required for hearing.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

Paragraph (a) of this rule formerly was Local Rule 2.02(b). Paragraphs (b) through (f) of this rule formerly were paragraphs (a) through (e) of Local Rule 2.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.03(c) has been amended to make clear that the Certificate of Necessity of Request for Emergency Hearing which must be filed in connection with an emergency motion must set forth sufficient facts to justify the need for an emergency hearing.

These amendments were effective on February 15, 1995.

Rule 9004-3

PAPERS -- AMENDMENTS

(a) Except for amendments to schedules, petitions, lists, matrices, and statements of financial affairs subject to the provisions of Local Rule 1009-1, unless otherwise directed by the Court, any party permitted to amend a pleading, motion or other paper filed with the Court shall file the amended pleading in its entirety with the amendments incorporated therein.

(b) Except for amended complaints, counterclaims, third party complaints or cross claims, amendments to motions, applications, or the like should designate in the caption the reference and the date of the motion, application or the like that is being amended.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.07. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-1

ATTORNEYS -- DUTIES

Unless allowed to withdraw from a case or proceeding by order of the Court pursuant to Local Rule 2091-1, counsel filing a petition on behalf of a debtor shall attend all hearings scheduled in the case or proceeding at which the debtor is required to attend under any provision of Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which the debtor is not a party and whose attendance has only been required as a witness.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.08(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-2

PRO SE PARTIES; REPRESENTED PARTIES

Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person, absent prior leave of Court; nor shall any party, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.08(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-3

SANCTIONS

The Court, on its own motion or on the motion of any party in interest, may impose sanctions for failure to comply with the Local Rules, including, without limitation, dismissal of the case or the proceeding, conversion of the case, denial of the motion filed by the party, striking of pleadings or other submissions, the staying of any further proceedings until verification of compliance with the Local Rules has been filed with the Court or as may otherwise be appropriate under the circumstances.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-4

SIGNATURES

(a) ***Signature Blocks.*** The signature block of every pleading and other paper, except Proofs of Service as described in paragraph (e) of this rule, filed on behalf of a party represented by counsel shall, in addition to full compliance with Fed. R. Bankr. P. 9011, include the attorney's state bar registration number, a working Internet e-mail address, and a facsimile phone number (if available). In addition, the name of the Electronic Filing User under whose login and password the document is submitted shall be preceded by an "/s/" typed in the space where the signature would otherwise appear.

(b) ***CM/ECF User Login and Password Serve as Signature.*** The user login and password required to submit documents via the Electronic Filing System serve as the Electronic Filing User's signature on all electronic documents filed with the Court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the Local Rules, and for any other purpose for which a signature is required in connection with proceedings before the Court.

(c) ***Restriction on Use of User Login and Password.*** No Electronic Filing User or other person may knowingly permit or cause to permit an Electronic Filing User's password to be used by anyone other than an authorized agent of the Electronic Filing User. An attorney is not permitted to use another attorney's password to file a paper with the Court using CM/ECF. An Electronic Filing User agrees to protect the security of the Electronic Filing User's login and password and shall immediately notify the Clerk if the security of their password has been compromised. An Electronic Filing User may be subject to sanctions for failure to comply with this provision.

(d) ***Papers Requiring More Than One Signature.*** Electronically filed papers requiring signatures of more than one party shall be filed either by: (1) submitting a scanned paper containing all necessary signatures; (2) representing the consent of the other parties in the paper; (3) identifying on the paper the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three days after filing; or (4) in any other manner approved by the Court.

(e) ***Proofs of Service.*** Proofs of Service executed by a non-lawyer in compliance with Local Rule 7005-1 shall be filed by the attorney for the party on whose behalf service is made by filing a scanned copy of the original signature page via CM/ECF.

(f) ***Documents to Be Made Available.*** On request, the Electronic Filing User shall provide original documents for review to the Court, the Office of the United States Trustee, or any party in interest as ordered by the Court.

Notes of Advisory Committee

2013 Amendment

This amendment clarifies the requirements and formatting of signatures on pleadings and papers filed with the Court using CM/ECF. The amendment also eliminates the provision of former Rule 9011-4(e), which required attorneys to file a Declaration Under Penalty of Perjury for Electronic Filing for any verified paper that was not filed with an original signature, and establishes the procedure for filing Proofs of Service executed by a non-lawyer in compliance with Local Rule 7005-1.

This amendment is effective July 1, 2013.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment added as section (a) requests attorneys to list their Internet e-mail addresses if available to assist the Clerk in noting such information to be used for notification purposes.

The amendments under sections (b) through (d) are new and are adapted from the “Model Local Bankruptcy Court Rules for Electronic Case Filing” approved on September 11, 2001 by the Judicial Conference of the United States Courts. Signature issues are a subject of considerable interest and concern. The CM/ECF system is designed to require a login and password to file a document. This Rule provides that use of the login and password constitutes a signature, and assures that such a signature has the same force and effect as a written signature for purposes of the Federal Rules of Bankruptcy Procedure, including Fed. R. Bankr. P. 9011, and any other purpose for which a signature is required on a document in connection with proceedings before the court.

At the present time, other forms of digital or other electronic signature have received only limited acceptance. It is possible that over time and with further technological development, a system of digital signature may replace the current password system.

Some users of electronic filing systems have questioned whether an s-slash requirement is worth retaining. The better view is that an s-slash is necessary; otherwise there is no indication that documents printed out from the website were ever signed. The s-slash provides some indication when the filed document is viewed or printed that the original was in fact signed.

An attorney or other Electronic Filing User is not required to personally file his or her own documents. The task of electronic filing can be delegated to an authorized agent, who may use the login and password to make the filing. However, use of the login and password to make

the filing constitutes a signature by the Electronic Filing User under the Rule, even though the Electronic Filing User does not do the physical act of filing.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.02(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.02(d) adds the requirement that an attorney's facsimile phone number (if available) be listed on any pleading or other submission to the court.

These amendments were effective on February 15, 1995.

Rule 9014-1

SERVICE AND PROOF OF SERVICE -- CONTESTED MATTERS

That portion of Fed. R. Bankr. P. 7005 represented by Fed. R. Civ. P. 5(a)-(d) applies in contested matters. Proof of service of pleadings and papers in contested matters (other than proof of initial service required to be made pursuant to Fed. R. Bankr. P. 9014 or 7004) shall be made in accordance with the provisions of Local Rule 7005-1.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment makes new Local Rule 7005-2 applicable to Contested Matters to the extent permitted under the Federal Rules of Bankruptcy Procedure, these Rules or any Order of the Court.

2000 Amendment

This is a technical amendment. No change in substance is contemplated. The amendment was effective on December 1, 2000.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule is new. It is needed to eliminate an ambiguity as to the service and proof of service requirements for papers in contested matters that would otherwise be created in the renumbering process.

Rule 9014-2

GENERAL PROVISIONS REGARDING DISCOVERY -- CONTESTED MATTERS

In applying the provisions of Fed. R. Bankr. P. 7026 to contested matters, the Court directs that:

(a) Initial and subsequent disclosure requirements described in Fed. R. Civ. P. 26(a)(1) through (3) are not mandatory, except as stipulated by the parties or otherwise ordered by the Court.

(b) The conference and reporting requirements of Fed. R. Civ. P. 26(f) are not mandatory, except as stipulated by the parties or otherwise ordered by the Court.

(c) Unless the Court orders the application of the conference requirement of Fed. R. Civ. P. 26(f), the parties may initiate any method of discovery immediately after service is accomplished under Fed. R. Bankr. P. 7004.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

2000 Amendment

Pursuant to Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 applies in contested matters "unless the court otherwise directs." This new local rule reflects the judgment of the Committee that the mandatory disclosure requirements of Fed. R. Civ. P. 26(a)(1) through (3) are burdensome, unwieldy, and of no benefit in routine contested matters. In an exercise of the Court's discretion under Fed. R. Bankr. P. 9014, therefore, the Court directs in paragraph (a) that these provisions are not mandatory in contested matters. The Court retains the ability to order these disclosures in individual contested matters, and the parties retain the ability to agree to apply the disclosure provisions in individual contested matters.

The provisions of paragraphs (b) and (c) logically flow from the elimination of the mandatory disclosure requirements as provided in paragraph (a). Without the mandatory disclosure requirements, the conference and reporting requirements of Fed. R. Civ. P. 26(f) are unnecessary. Similarly, there is no need for a discovery moratorium before that conference.

The new local rule contained here is made necessary by the December 1, 2000, amendments to the Fed. R. Civ. P. 26 and Local Rule 7026-1. See the Notes of Advisory Committee as to the December 1, 2000, amendments to Local Rule 7026-1. Although mandatory disclosures, Rule 26(f) conferences and reports, and discovery moratoriums now apply in adversary proceedings, they do not apply in contested matters as a consequence of this new local rule.

Pursuant to Local Rule 9014-1, those portions of Fed. R. Bankr. P. 7005 applying Fed. R. Civ. P. 5(a)-(d) apply in contested matters. As part of the December 1, 2000, amendments to the Federal Rules of Civil Procedure, Fed. R. Civ. P. 5 was amended as to the filing of disclosure and discovery materials. Under Rule 5(d), as amended, disclosures under Rule 26(a)(1) and (2) and discovery requests and responses under Rules 30, 31, 33, 34, and 36 must not be filed until they are used in the action. Disclosures under Rule 26(a)(3), however, are to be filed with the Court. Because Fed. R. Civ. P. 5(d) applies in contested matters by virtue of Local Rule 9014-1 and applies in adversary proceedings by virtue of Fed. R. Bankr. P. 7005, disclosure and discovery papers in contested matters are filed -- or not filed -- in the same circumstances as disclosure and discovery papers in adversary proceedings. Local Rule 7005-2 formerly addressed this issue, but the Court abrogated that rule effective on December 1, 2000. See Notes of Advisory Committee as to the December 1, 2000, amendments to Local Rule 7005-2.

This amendment was effective on December 1, 2000.

Rule 9015-1

JURY TRIAL

(a) The method of *voir dire* examination and exercise of challenges in selection of the jury shall be as specified by the Court. A list of the *venire* will be furnished to counsel only at the time the case is called for trial, and prior to commencement of *voir dire* examination (unless otherwise required by governing rule or statute), and must be returned to the Clerk when the jury is empaneled. No person shall copy from or reproduce, in whole or in part, a list of the *venire*.

(b) All requests for instructions to the jury shall be submitted in writing within the time specified by the Court. Such requests, and supplemental requests, if any, shall be marked with the name and number of the case, shall designate the party submitting the request, shall be numbered in sequence, and shall contain citation of supporting authorities, if any.

(c) No attorney or party shall undertake, directly or indirectly, to interview any juror after trial in any civil case except as permitted by this rule. If a party believes that grounds for legal challenge to a verdict exist, the party may move for an order permitting an interview of a juror or jurors to determine whether the verdict is subject to the challenge. The motion shall be served within fourteen (14) days after rendition of the verdict unless good cause is shown for the failure to make the motion within that time. The motion shall state the name and address of each juror to be interviewed and the grounds for the challenge that the moving party believes may exist. The presiding judge may conduct such hearings, if any, as necessary, and shall enter an order denying the motion or permitting the interview. If the interview is permitted, the Court may prescribe the place, manner, conditions, and scope of the interview.

Notes of Advisory Committee

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 9015, entitled "Jury Trials." This new rule was made necessary by the addition of 28

U.S.C. § 157(e) contained in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted paragraphs (a) through (e) of Local Rule 9015-1 because their subject matter was not covered in the Federal Rules of Bankruptcy Procedure. These paragraphs of the local rule are now abrogated as duplicative of the national rule.

The remaining parts of the local rule, paragraphs (f) through (h), are derived from the comparable District Court Local Rule 5.01. These paragraphs are redesignated paragraphs (a) through (c), respectively.

The District Court has specifically designated all of the bankruptcy judges of the Court to conduct jury trials pursuant to 28 U.S.C. § 157(e). See District Court Order No. 94-127-MISC-J-16, entered on December 1, 1994. Although Fed. R. Bankr. P. 9015(b) contemplates that the Court by local rule might establish a time by which the parties must consent to a jury trial conducted by a bankruptcy judge, this amendment does not attempt to establish such a time. Instead, the Committee is of the view that the parties and the Court should have the flexibility to allow consent to be given at any time.

This amendment was effective on October 15, 1998.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.18. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9019-1

SETTLEMENTS & AGREED ORDERS

(a) Upon the settlement of any trial or motion that will totally conclude the pending matter, counsel for the plaintiff or movant shall immediately notify the Clerk's office or chamber's personnel that the matter has been settled, and that appropriate papers to conclude the matter will be forthcoming immediately. If the hearing has not been noticed to all creditors, the Court in its discretion may cancel the hearing or may require counsel to appear at the time set for the hearing to dictate the settlement into the record.

(b) When notified that an adversary proceeding has been settled and for purposes of administratively closing the file, the Court may order that a proceeding be dismissed subject to the right of any party to file a motion within fourteen (14) days thereafter (or within such other period of time as the Court may specify) for the purpose of entering a stipulated form of final order or judgment; or, on good cause shown, to reopen the proceeding for further proceedings.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.08(i) and (j). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.08(g) has been moved and renumbered 2.08(i). No substantive change is intended.

Local Rule 2.08(j) is new. It provides that, upon notification that an adversary proceeding has been settled, the proceeding may be administratively closed. For purposes of entering a stipulated form of final order or judgment or in the event that the parties are unable to satisfactorily conclude documentation of the settlement, the Court may reopen the proceeding. The amendment is substantially similar to District Court Local Rule 3.08(b).

These amendments were effective on February 15, 1995.

Rule 9019-2

ALTERNATIVE DISPUTE RESOLUTION (ADR); MEDIATION

(a) **Definition.** Mediation is an opportunity for the parties to negotiate their own settlement consistent with the mediation policy of self-determination. Mediation is a confidential process that includes a supervised settlement conference presided over by an impartial, neutral mediator to promote conciliation, compromise and the ultimate settlement of a civil action. The mediator's role in the settlement is to suggest alternatives, analyze issues, question perceptions, conduct private caucuses, stimulate negotiations between opposing sides, and keep order. The mediation process does not allow for testimony of witnesses. The mediator should not opine or rule upon questions of fact or law, or render any final decision in the case. At the conclusion of the mediation, the mediator shall report to the Court (1) the identity of the parties in attendance at the mediation, and (2) that parties either reached an agreement in whole or in part or that the mediation was terminated without the parties' coming to an agreement.

(b) **Purpose.** Mediation is intended as an alternative method to resolve civil cases, saving time and cost without sacrificing the quality of justice to be rendered or the right of the litigants to a full trial in the event that mediation does not resolve the dispute.

(c) **Qualifications; Conflicts.**

(1) **Qualifications of Mediators.** The parties may select any person to serve as mediator. Parties are encouraged to choose a mediator who has sufficient knowledge and experience in mediations and in bankruptcy law. Notwithstanding the foregoing, the Court, by administrative order, may establish qualifications and maintain a list of those persons eligible to serve as mediator in a residential mortgage modification mediation.

(2) **Conflicts of Interest.** The mediator must disclose all actual or potential conflicts of interest involving the parties participating in the mediation process. The parties may waive a mediator's actual or potential conflict of interest, provided that the mediator concludes in good faith that the mediator's impartiality will not be compromised. The unique nature of bankruptcy cases favors the parties' ability to waive conflicts and supersedes the concept of non-waivable conflicts.

(d) **Standards of Professional Conduct for Mediators.** All mediators who mediate in cases pending in this District, whether or not certified under the rules adopted by the Supreme Court of Florida, shall be governed by standards of professional conduct and ethical rules adopted by the Supreme Court of Florida for circuit court mediators.

(e) **Disqualification of a Mediator.** After reasonable notice and hearing, and for good cause, the presiding judge shall have discretion and authority to disqualify any mediator from serving as mediator in a particular case. Good cause may include violation of the standards of professional conduct for mediators.

(f) ***Compensation of Mediators.*** Unless otherwise indicated in an order appointing a mediator, an order directing parties to mediate, or other similar court order, the mediator shall be compensated for fees and expenses as established and agreed to by the parties to the mediation. Absent agreement of the parties or order of the Court to the contrary, the cost of the mediator's services shall be paid equally by the parties to the mediation.

In cases in which one or more parties to the mediation is a Chapter 11 trustee or debtor-in-possession, payment of the mediator's charges attributable to that party shall be authorized without the necessity of filing an application with the Court.

(g) ***Confidentiality.***

(1) ***Definitions.*** As used in this section (g), "Mediation Communication" means an oral or written statement, or nonverbal conduct intended to make an assertion, by or to a participant in a mediation made during the course of the mediation, or prior to a mediation if made in furtherance of a mediation; "Mediation Participant" means a mediation party or a person who attends a mediation in person or by telephone, videoconference, or other electronic means; "Mediation Party" means a person participating in a mediation directly or through a designated representative, and who is a named party, a real party in interest, or who would be a named party or real party in interest if an action relating to the subject matter of the mediation were brought in a court of law; and "Subsequent Proceeding" means an adjudicative process that follows a mediation, including related discovery.

(2) ***Confidential Mediation Communications.*** Except as provided in this section (g), all Mediation Communications are confidential, and the mediator and the Mediation Participants shall not disclose outside of the mediation any Mediation Communication, and no person may introduce in any Subsequent Proceeding evidence pertaining to any aspect of the mediation effort. However, information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery because of its disclosure or use in mediation.

(3) ***Evidence Rules and Laws.*** Without limiting subsection (2), Rule 408 of the Federal Rules of Evidence and any applicable federal or state statute, rule, common law, or judicial precedent relating to the privileged nature of settlement discussions or mediations apply.

(4) ***Settlement Agreements.*** Notwithstanding subsections (2) and (3), no confidentiality attaches to a signed, written agreement reached during or as a result of a mediation, unless the mediation parties agree otherwise, or to any communication for which the confidentiality or privilege against disclosure has been waived by all Mediation Parties.

(5) ***Preservation of Privileges.*** The disclosure by a Mediation Participant or Mediation Party of privileged information to the mediator or to another Mediation Participant or Mediation Party does not waive or otherwise adversely affect the privileged nature of the information.

(6) ***Disclosures by Mediator.*** The mediator shall not be compelled to disclose to the Court or to any person outside the mediation conference any Mediation Communications, nor shall the mediator be required to testify in regard to the mediation in connection with any Subsequent Proceeding or be a party to any Subsequent Proceeding.

(7) ***Disclosure of Communications.*** A Mediation Participant who makes a representation about a Mediation Communication waives that privilege, but only to the extent necessary for another Mediation Participant to respond to the disclosure.

(h) ***Mediators as Counsel in Other Cases.*** Any member of the bar who selected as a mediator pursuant to this rule shall not, for that reason alone, be disqualified from appearing and acting as counsel in another unrelated case pending in this District.

(i) ***Referral to Mediation.*** Any pending case, proceeding, or contested matter may be referred to mediation by the Court at such time as the Court may determine to be in the interests of justice. The parties may request the Court to submit any pending case, proceeding, or contested matter to mediation at any time.

(j) ***Mortgage Modification Mediations and Other Specialty Mediations.*** When deemed necessary, the Court shall establish procedures, policies and necessary orders to deal with the mediation of emerging bankruptcy trends, such as residential mortgage modifications.

(k) ***Participation of Parties at Mediation.*** All parties to the mediation are required to attend the mediation in person, unless authorized by the Court or the mediator to attend by telephone. Parties are encouraged to participate in the mediation in a good faith attempt to resolve the issues between them. Parties who are not individuals shall participate in mediations through the presence of a representative with full authority to settle the matter that is the subject of the mediation.

Notes of Advisory Committee

2013 Amendment

The amendments to this rule significantly modify the rule as originally promulgated in 1989 and amended in 1995 and 1997. The amendments reflect the development of the mediation process in the Middle District of Florida.

Section (c)(2): The parties' ability to waive a mediator's actual or potential conflict of interest in bankruptcy cases differs from the Rules for Certified and Court Appointed Mediators adopted by the Florida Supreme Court, Rules 10.100 et seq., and the opinions of the Mediator Ethics Advisory Committee.

Section (g): The confidentiality provisions of section (g) are adapted in significant part from Florida's Mediation Confidentiality and Privilege Act, Sections 44.401-44.405, Florida

Statutes. Although the civil remedies provisions contained in Section 44.406 are not incorporated in this rule, parties are reminded that violations of this rule may be sanctionable under Local Rule 9011-3. By way of example, permissible disclosures in a subsequent proceeding would include statements made at a mediation to the extent necessary to support or oppose a reformation or declaratory relief action concerning an ambiguity in a settlement agreement. Additionally, a confidential settlement agreement is subject to disclosure if required by a subpoena or order of a court of competent jurisdiction.

Rule 9027-1

REMOVAL/REMAND

The party effecting removal of a claim or cause of action pursuant to 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027 shall file with the notice of removal copies of all process, pleadings, orders and other papers or exhibits of every kind, including depositions, then on file in the state court.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.06A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 1.06A is new. It gives effect to Fed. R. Bankr. P. 9027(e) (3) which permits the bankruptcy judge to require the party filing the notice of removal to file with the Clerk copies of all records and proceedings relating to the claim or cause of action in the court from which the claim or cause of action was removed. It is derived from District Court Local Rule 4.02(b).

These amendments were effective of February 15, 1995.

Rule 9033-1

REVIEW OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW IN NON-CORE PROCEEDINGS

(a) Every written (i) objection to proposed findings of fact and conclusions of law in non-core proceedings pursuant to Fed. R. Bankr. P. 9033, (ii) response thereto, and (iii) any other motion, application, objection, or response that statute, the Federal Rules of Bankruptcy Procedure, these rules, an order, or the circumstances require be filed with the Clerk of this Court, but be heard and determined by the District Court, shall be accompanied upon filing and service by a legal memorandum with citation of authorities in support of, or in opposition to, the relief requested.

(b) Absent prior permission of the District Court, no party shall file any legal memorandum in excess of twenty (20) pages in length.

(c) The objections, motions, and matters within the scope of this rule shall not be deemed complete for purposes of transmittal to the Clerk of the District Court for hearing and determination until the parties have complied with the briefing requirements of this rule.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 1.05(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9036-1

NOTICE BY ELECTRONIC TRANSMISSION; SERVICE BY FACSIMILE

(a) Service of any pleading or paper other than those required to be served in compliance with Fed. R. Bankr. P. 9014 or 7004 may be made by transmitting it by facsimile or by other electronic means to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, facsimile number, Internet e-mail address, and the number of pages transmitted. When service is made by facsimile or other electronic means, a copy shall also be served by any other method permitted by Fed. R. Bankr. P. 7005 unless the party being served has consented to receive service by electronic transmission or facsimile. Service by facsimile after 5:00 p.m. (at the point of delivery) shall be deemed to have been made on the next business day. Service by facsimile constitutes a method of hand delivery for the purpose of computing the time within which any response is required.

(b) Three days shall be added when computing the time within which any response is required when service is effected by facsimile or by other electronic methods.

Notes of Advisory Committee

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment conforms this Local Rule to related new Federal Rules of Bankruptcy Procedures amendments. These changes permit the service of most documents via electronic methods between parties who have consented to do so in writing pursuant to Fed. R. Bankr. P. 7005(b)(2)(d). This amendment also corrects a technical error associated with time computation of documents served by facsimile. Regardless of the electronic method used, it is now clear that 3 days is added to the prescribed deadline.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference

of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.02(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.02(c) allows service by facsimile of motions (other than motions required to be served in compliance with Fed. R. Bankr. P. 9014 and 7004), briefs, applications and submissions in response to motions, briefs, or applications. These changes are substantially identical to provisions contained in District Court Local Rule 1.07(c).

These amendments were effective on February 15, 1995.

Rule 9070-1

EXHIBITS

(a) **Marking Exhibits.** Prior to an evidentiary hearing or trial of an adversary proceeding or a contested matter, counsel for the parties shall mark and list any exhibits proposed to be introduced into evidence in compliance with this rule.

(b) **Numbering Exhibits.** Exhibits shall be identified numerically commencing with number 1.

(c) **Exhibit List.** All exhibits shall be listed, in order, on a separate sheet of paper that shall include the case number, adversary number, the debtor's name, designation as to plaintiff and defendant, and columns with the following headings: Exhibit Number (Exh. #), Document Description, Date Identified, Date Admitted, and With or Without Objection (Appendix A). No markings should be made on the "Identified" and "Admitted" lines; this is for the Court's use.

(d) **Exhibit Cover Sheet.** Each exhibit shall be preceded by an 8 ½ x 11-inch Exhibit Cover Sheet (Appendix B).

(e) **Submitting Exhibits.** At the commencement of a hearing or trial, each party shall submit to the courtroom deputy the original and one copy of all exhibits and the Exhibit List. Original exhibits shall not be stapled or permanently bound. Additional copies, appropriately stapled or in binders, shall be available for use by witnesses and provided to opposing counsel. Parties should confirm the preferred procedure for preparing exhibit binders with the assigned judge's chambers. Any exhibits produced at hearing or trial that are not premarked shall be tendered to and marked by the courtroom deputy as they are presented in evidence.

(f) **Large Items or Exhibits Other than Paper Documents.** Items to be introduced into evidence other than paper documents should be photographed, accompanied by an Exhibit Cover Sheet, and listed on the Exhibit List. Paper documents larger than 8 ½ x 14 inches should be listed on the Exhibit List and accompanied by a reduced 8 ½ x 11-inch copy and an Exhibit Cover Sheet. Counsel shall attach Exhibit Cover Sheets to both exhibits and substitutes, identifying corresponding exhibits and substitutes with the same number. Unless the Court orders otherwise, at the conclusion of the trial or hearing at which the exhibits are offered, if the Clerk has custody of substitutes, the Clerk will return the corresponding original exhibits to counsel. If an appeal is taken, substitutes will be included in the record on appeal.

(g) **Disposal of Exhibits.** The Clerk, with or without notice, may dispose of any unclaimed exhibits in any matter or proceeding unless notified by the appropriate party within 30 days after an order or judgment concluding a contested matter or an adversary proceeding is entered, including the entry of an order determining any post-judgment motions, provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate. Parties shall bear all costs associated with reclaiming exhibits.

Notes of Advisory Committee

2012 Amendment

This amendment adopts new procedures to accommodate the use of electronic scanning of exhibits, which can be impaired by the use of permanently bound or stapled originals. Paragraph (g) was amended to permit the Clerk to dispose of exhibits left unclaimed for 30 days. This amendment incorporates archived Administrative Orders 99-0001-MIS-ORL and 99-00001-MIS-JAX “General Order for Disposal of Unclaimed Exhibits.” A sample Exhibit List (Appendix A) and Exhibit Cover Sheet (Appendix B) are provided. The addition of headings and subheadings is intended to be a stylistic rather than substantive change.

This amendment is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference’s Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997. This rule was formerly Local Rule 2.13. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.13(e) requires that additional copies of exhibits shall be made available for use by witnesses. The deletion of the word “period” after “trial” is stylistic; no substantive change is intended.

The provisions in Local Rule 2.13(h), which dealt with notification to counsel of the obligation to pick up exhibits and the consequence of the failure to do so, have been deleted as this is now dealt with exclusively by Local Rule 2.13(i). For purposes of Local Rule 2.13(i), the term “post-judgment motion” shall mean a timely motion; (1) to amend or make additional findings of fact under Fed. R. Bankr. P. 7052, whether or not granting the motion would alter the judgment; (2) to alter or amend the judgment under Fed. R. Bankr. P. 9023; (3) for a new trial under Fed. R. Bankr. P. 9023; or (4) for relief under Fed. R. Bankr. P. 9024 if the motion is filed no later than ten (10) days after the entry of judgment.

These amendments were effective on February 15, 1995.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION**

In Re:

Case No. _____

Chapter _____

[Name of Debtor(s)],

Debtor*.

[Name of Plaintiff],

Adv. No. _____

Plaintiff,

v.

[Name of Defendant],

Defendant.

[Plaintiff/Defendant's] Exhibit List

(Hearing on Acme Bank's

Complaint to Determine Dischargeability (Doc. No. 1))

Hearing Date: _____

Exh. #	Document Description	Date Identified	<i>Date Admitted</i>	<i>With or Without Objection</i>
1	Promissory Note			

*All references to "Debtor" shall include and refer to both debtors in a case filed jointly by two individuals.

APPENDIX A

Exhibit Cover Sheet

Party
submitting: _____ **Ex. #** _____

Admitted: Yes or No (circle one)

Debtor: _____

Case No.: _____

Adv. No.: _____

**Nature of Hearing/
Docket No:** _____

**United States Bankruptcy Court
Middle District of Florida**

Dated _____ , 20____.

By: _____, **Deputy Clerk**

APPENDIX B

Rule 9070-2

ATTACHMENTS – ELECTRONIC SUBMISSION OF

Electronic Filing Users shall submit in electronic form all documents referenced as attachments, unless the Court permits conventional filing. An Electronic Filing User may submit as attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Electronic Filing Users who file excerpts of documents as attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Notes of Advisory Committee

2004 Amendment

This amendment was adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001 by the Judicial Conference of the United States Courts. This amendment gives Electronic Filing Users additional flexibility when submitting exhibits or documentary attachments to pleadings in that they may choose to file exhibits electronically before a hearing on the matter commences. Additionally, this amendment provides another incentive for attorneys to consider registering as an Electronic Filing User because costs associated with reproducing lengthy exhibits would be eliminated. The Clerk will specify procedures for exhibits submission within the Electronic Filing Procedures Guide. Such items as size of document limitations and delivery method will be described.

Rule 9071-1

STIPULATIONS

No stipulation governing procedural matters between any parties, the existence of which is not conceded, will be considered by the Court unless it is made before the Court and noted in the record or is reduced to writing by the party or attorney against whom it is asserted.

Notes of Advisory Committee

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.17. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9072-1

ORDERS -- PROPOSED

(a) All proposed orders shall carry a full, descriptive title detailing the nature of the motion or application ruled upon and shall state the date of the hearing.

(b) No proposed order or judgment will be signed where the date or signature is the only text on a page.

(c) All orders should carry the full case number and set forth the judge's complete signature block and should be submitted within three (3) days after the date of the hearing.

(d) Proposed orders should also recite the events that resulted in the entry of the order with phrases such as "after a hearing," "after due notice and no response having been filed," or "after due notice and a consent having been filed." Likewise if orders involve real estate that is property of the estate, a full and complete legal description is required.

Notes of Advisory Committee

2004 Amendment

This amendment allows Electronic Filing Users to submit proposed orders to the Court by electronic means. The Clerk will be responsible for setting up an electronic acceptance system in order to transmit proposed orders from parties to judges' chambers.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment was effective on April 15, 1997.

This rule was formerly Local Rule 2.11. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendments are stylistic. No substantive change is intended.

These amendments were effective on February 15, 1995.